

**LEHMUA
Regular Meeting**

September 10, 2024

The regular meeting of the Little Egg Harbor Municipal Utilities Authority was held on September 10, 2024 at 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, Christopher Filiciello

OTHERS IN ATTENDANCE: Earl F. Sutton, Jr., Executive Director; Michael S. DiFrancia, Superintendent; Nicole M. Princiotti, Executive Secretary/QPA; Alan Dittenhofer, Authority Engineer; Debra Rumpf, Esq., Authority Attorney (via tele-conference)

THOSE ABSENT: Kenneth Maxwell

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.

PRIOR MINUTES

A motion was made by Mr. Miller, seconded by Mr. Cicco to approve the minutes of the August 6, 2024 regular meeting. Roll call vote, Peter Cicco – yes, Kenneth Miller – yes, Marie Skelly – yes, Margaret DePergola – yes.

TREASURER'S REPORT

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

EXECUTIVE DIRECTOR'S REPORT

1 – Mr. Sutton began by taking a moment to speak about our Vice Chairman, Joseph Koptic, and his recent passing. He spoke about the support he always provided to Mr. DiFrancia, Mrs. Princiotti and himself as the Director. He is going to be greatly missed and our thoughts and prayers are with him and his family.

2 – Mr. Sutton stated that there is a resolution on the agenda for preliminary water approval for a proposed development, Venue at Mystic Islands which is located off of Center Street. It was

formerly a project called "Blue Comet" that came in years ago and received all approvals, but the project never moved forward. They are in a stage of "due process" where they are finding out some facts and information.

Mr. Sutton stated that our Engineer has provided them with substantial information in moving forward in advance of the next step for tentative approval.

Mr. Sutton went on to explain that the tentative approval is the "meat and potatoes" of the process. This is where we push the developer hard to ensure that everything required is completed prior to the final approval process. Final approval is more of a formality at the end of the process.

Mr. Sutton advised the Board that there is a corresponding letter from our engineer and it is recommended for approval.

3 – Mr. Sutton stated that there is also a resolution for preliminary sewer for the Venue at Mystic Islands. Again, there is a corresponding letter from our engineer recommending approval.

Mr. Sutton stated that we can take these resolutions at the end.

4 – Mr. Sutton advised the Board that he would ask at this time for a motion authorizing the purchase of a new jet/vac truck under a cooperative purchasing agreement. Delivery would not be until early next year.

Mr. Sutton explained that the reason we are requesting this now is because of emission changes in the laws where vehicles are going to be required to have substantially new technology. It will be much more costly and there will be assembly line delays as well. Again, if we put a proposal together and end up making this purchase, delivery wouldn't be until early next year.

Mr. Sutton stated that the cost is just short of a half million dollars, but we will be doing a trade on our oldest jet/vac truck. He expressed that this is a critical piece of equipment for us.

Mr. Filiciello asked if this was a cyber-truck?

Mr. DiFrancia advised that it is not.

Mr. Sutton stated that he really doesn't understand how small independent water companies and municipalities are going to be able to afford this type of equipment based on this future criteria. We are all environmentally conscious, but sometimes they have these mandates without really understanding the cost to the entity.

A motion was made by Mr. Miller, seconded by Mr. Cicco authorizing the Authority to purchase a new jet/vac truck. All in favor.

5 – Mr. Sutton advised the Board that we will be looking at our rules and regulations for proposed updates by the end of the year. We are looking closely at them in order to protect the best interest of the Authority.

Mr. Sutton stated that Mr. DiFrancia will discuss in his report, a ridiculous environmental issue we had last week while constructing the Phase II project. It is important that we address some of these issues and have the ability to have fines assessed and penalties applied through the township ordinance, and even possibly pursue through the county and state.

6 – Mr. Sutton stated that there is no customer committee matter, nor a need for executive session.

Mr. Sutton stated that one thing he would like to leave with the Commissioners, for the next meeting we will have to think about filling the vacancy of Vice-Chair left with Mr. Koptic's passing. Subsequent to that, we will have to work with Mrs. Princiotti with regard to the banking and signature cards.

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

Mr. Cicco inquired about the two resolutions and asked if this development was between Mathistown and Oak Lane?

Mr. Sutton advised that it is not too far where Mr. Cicco's residence is. It is right across the street and goes all the way out to Route 9. There are going to be around 400 units, between single family homes, tri-plexes and is age restricted. They will do it in phases, but the grand total is 400.

Mr. Cicco asked if he is able to vote on this.

Mr. Sutton stated that he doesn't see any reason why Mr. Cicco would have to abstain. It is not going to impact his development and where he lives. But obviously if he can't be unbiased, then he should recuse himself.

Mr. Sutton stated that the infrastructure and as it affects the immediate area will be taken under consideration. There are limitations as to what our purview will allow. They will also be required to get all State, County and Municipal approvals.

Mrs. Rumpf confirmed that there is nothing excluding Mr. Cicco from voting on this matter.

Mr. Sutton stated that there will be other entities that have much more say over what occurs and how it could impact his development as well as Cranberry Creek, specifically as it relates to the Route 9 Corridor, but in a case like that, it would be the DOT.

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

Mr. Sutton recommended taking the resolutions at this time.

A motion was made by Mr. Miller, seconded by Mr. Cicco to approve Resolution #2024-44 approving the preliminary water application for Venue at Mystic Island, Block 286 Lot 3,5,6 and Block 287 Lot 7. Roll call vote Christopher Filiciello – yes, Peter Cicco – yes, Kenneth Miller – yes, Marie Skelly – yes, Margaret DePergola – yes.

A motion was made by Mr. Cicco, seconded by Mr. Miller to approve Resolution #2024-45 approving the preliminary water application for Venue at Mystic Island, Block 286 Lot 3,5,6 and Block 287 Lot 7. Roll call vote Christopher Filiciello – yes, Peter Cicco – yes, Kenneth Miller – yes, Marie Skelly – yes, Margaret DePergola – yes.

SUPERINTENDENT'S REPORT

Mr. DiFrancia advised the Board that he was going to address some items prior to reviewing his report and would like to further address what was previously mentioned by the Director.

Mr. DiFrancia stated that the construction with P&A and Phase II is underway and he is very pleased. However, there have been other struggles as it relates to the project overall.

Mr. DiFrancia explained that ratepayers are out in the field as we come across their properties. We are trying to keep the areas clean and properties in tact as construction occurs. There seems to be some discrepancies with regard to the placement and installation of the fire hydrants with the homeowners. We are installing the hydrants where we see fit, for the benefit of the system.

Mr. DiFrancia stated our infrastructure is old, initially installed in the 1960s, and there are no as-builts indicating exactly where everything is located and because our sewer mains and laterals are transite we are not able to locate them. As they are coming down the street and there is a clean-out the contractor is trying to locate them, but as they dig across, unfortunately they have hit a few of the. They do get pieced back together. Once the watermain is installed they will fall back and install the sewer mains and laterals as well. But coming across the properties, we know there is a chance these will be hit.

Mr. DiFrancia went on to explain that a home on one street where the lateral was hit, it was discovered that there was fuel oil and radiator fluid in the hole. At that point, the job had to be stopped and he called into the DEP to get a spill number and further direction from them. The health department was also involved. A police report was filed and the homeowner was put on notice. We removed all the fluid from the hole and got it into five-gallon buckets. We also got an emergency dumpster that is lined and all the dirt that was affected in that immediate area has been placed in the dumpster and sealed. We are in the process of having a laboratory test the fluid and test the soils. Once we get that back in a few days, we will distribute it to a landfill that will actually accept it.

Mr. DiFrancia stated that we are in the middle of an investigation to find out how the fuel oil and radiator fluid ended up in the homeowner's line and subsequently into the soil around it.

Mr. DiFrancia stated that there are State regulations with regard to oils, car fluids etc., that prohibit the discharge into the sanitary sewer system. We are going to have to convey that to our ratepayers so they know they will be prosecuted to the fullest extent of the law, fines and the cost of disposal, plus remediation costs will be assessed as well.

Mr. DiFrancia expressed how busy it has been, with P&A and Phase II, the tower just being completed and put back online, Grey Supply is out in the field replacing gas mains on Twin Lakes Boulevard and the side streets and we are working with them hand in hand as well. The Township is having work done with a paving company and we are trying to work with them locating the sewer lines. Unfortunately, the paving company is locating them when they hit them, and we are finding that the sewer laterals are in the way of the storm drains. We have been trying to replace the sewer laterals where they are working with the storm drains in order to keep the same pitch as the drains.

Mr. DiFrancia stated that we have had water main breaks as well. One in particular on Pebble Beach Lane where Mr. Cicco lives. Now that the ditch, which is quite large has had time to settle, we will be preparing to hot patch that before winter comes.

We are obtaining quotes to have an outside contractor perform this for us. The Authority will dig it out, then box it out, and the contractor will actually come in and pave it.

Mr. DiFrancia stated that there are fire hydrants located down Twin Lakes Boulevard where the ground is so acidic, that it is actually eating away and rotting the bolts of the fire hydrant. We had granted P&A permission to utilize the fire hydrants on Twin Lakes for their construction and to keep the streets clean at night. They opened a hydrant and it actually blew out of the ground.

Mr. DiFrancia stated that this turned into an emergency, and we had to shut the water off and replace the bolts and put it back together. Now we are in the process of testing all of the hydrants along Twin Lakes Boulevard and inspecting the bolts and if necessary, replacing them with stainless steel.

Mr. DiFrancia stated that as it relates to Phase II, any hydrants being installed will have stainless steel bolts to prevent this, and it will be part of the specifications for Phase III. All bolts going into the ground will be stainless steel due to the acidic nature of the soil.

Mr. DiFrancia stated that Hickory Pump Station which was built when Sea Oaks Development came in, is getting rebuilt now. We are installing all new hand rails, new discharges, new pump bases. We are also putting in a bypass and doing all of this in-house. This will be over the course of the next four to six weeks as we re-do this entire pump station.

Mr. DiFrancia stated that these pump stations need to be treated with TLC due to the hydrogen sulfide gases that are generated from waste water. The gasses eat away any metal that is located in the wet wells. It's at the point where it needs to be refurbished all the way from the base to the top of the wet well.

Mr. DiFrancia stated that we are always busy, but this summer seems to be the exception. He and the Executive Director have met to discuss the hiring of a few new employees to fill the gaps of the other employees that left.

Mr. DiFrancia stated that is a small recap of things that have occurred over the summer and that were not included on his report. He is looking forward to winter, but we are equally as busy during the colder season as well.

Mr. DiFrancia addressed his report at this time.

1 – Mr. DiFrancia stated that in preparation of “National Night Out” the Authority Jet Vac Truck was dispatched to the township fields in order to maintain the township’s existing septic system. This was done as a precautionary, in anticipation of the amount of volume the system might see.

Mr. DiFrancia stated that we work with the township and the schools and we had a meeting this morning, and will be going to pump out the lines at the school as well.

2 – Mr. DiFrancia stated that in the last month all the back-up generators that were found to have issues last month during routine maintenance have had all the proper repairs completed. We do this to ensure we have fail safe operating in the event of an emergency or power outage.

3 - Mr. DiFrancia stated that he is pleased to report that he has successfully passed the “Principles of Purchasing 1” course through the Center for Government Services at Rutgers State University. He will begin Purchasing 2 beginning September 10th to further his education in Municipal Financing.

4 – Mr. DiFrancia advised the Board that earlier in the year on April 9th and July 31st, compliance evaluation and assistance inspections were performed by the NJDEP. He has received the reports and is happy to report that both inspections were found to be in or above full compliance. The two (2) inspections included a review of the entire system for “Safe Drinking Water” compliance and “Water Allocation/Diversion” compliance.

Mr. Sutton stated that before Mr. DiFrancia gets to his work order management report, he would like to go back to the hydrant locations of Phase II and clarify the “right of way”. It seems more on this project than ever before, that the locations of the hydrants are an issue with the residents.

Mr. Sutton stated that we have full right within the “right of way” to place the hydrants where we see fit. We have always worked with our residents with the locations. It is though, to their benefit to have the hydrant closer for better fire protection and better quality drinking water. When we talk to some of these residents, we are getting pushback and he just doesn’t understand why.

Mr. DiFrancia stated that every time he meets with a homeowner he explains that with State regulations we have to have a hydrant installed within every 800 feet, and it can’t go over 800 feet, it has to be within. Once he explains this to them, and show them that there are other utilities such as electric poles, and gas lines that cannot be disturbed it gives them an idea of why we are placing the hydrants where we are. We have to be in compliance and be within 800 feet, but also cannot not disturb the other utilities.

Mr. DiFrancia stated that when we are placing the hydrants, he and Mr. Mulvihill typically meet with the homeowner and explain that we have to put it in the right of way, but usually get some feedback from the homeowner. That way they do have some choice in placement. We take in consideration things like parked cars, or boats, and this does seem to help with the pushback from the homeowner. We want to make sure they are satisfied, but there does come a point where we can’t please them. And as the Director mentioned, we are well within our rights to place the hydrant where we see fit. We are within that ten foot right of way, where there is also electric, gas and other utilities.

Mr. DiFrancia reviewed his work order management report with the Board.

Mr. DiFrancia stated that was all for his report unless there were any 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 advised the Board that his report has been submitted for review and approval.

Mr. Dittenhofer stated that with regard to Phase II of the Mystic Islands Water and Sewer Main Replacement Project, payment recommendation and certification No. 1 has been submitted to the Authority for review.

Mr. Dittenhofer stated that with regard to Phase III of the Mystic Islands Water and Sewer Main Project, the NJIB financing agency step 2 has been completed and the NJDEP permits have been submitted.

Mr. Dittenhofer stated that with regard to the Sea Oaks Water Tower, there are some punch list items remaining, but he believes that Mr. DiFrancia has those items scheduled for completion.

Mr. Dittenhofer stated that with regard to development applications, both of those have been covered and approved under Resolution #2024-44 and #2024-45.

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

ATTORNEY'S REPORT

Mrs. Rumpf stated that her report has been submitted for review and approval. She would be happy to answer any questions at this time.

There being no questions, a motion was made by Mr. Miller, seconded by Mr. Cicco to approve the Attorney's Report. All in favor.

A motion was made by Mrs. Skelly, seconded by Mr. Cicco to accept and file all general correspondence. All in favor.

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

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



Kenneth Miller, Secretary