

**LEHMUA
Regular Meeting**

September 2, 2025

The regular meeting of the Little Egg Harbor Municipal Utilities Authority was held on August 12, 2025 at 12:00 PM at the Authority headquarters, 823 Radio Road, Little Egg Harbor, New Jersey.

MEMBERS PRESENT: Kenneth Miller, Chairman; Marie Skelly Treasurer; Peter Cicco, Secretary; 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: Suzanne Musto-Carrara, Christopher Filiciello

PUBLIC 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. Cicco, seconded by Mrs. Skelly to approve the August 12, 2025 minutes of the Authority's regular meeting. Roll call vote, Kenneth Maxwell – yes, Peter Cicco – yes, Marie Skelly – yes, Kenneth Miller – yes.

TREASURER'S REPORT

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

BILLS RESOLUTION

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

EXECUTIVE DIRECTOR'S REPORT

1 - Mr. Sutton stated that in preparation for the future, the Authority's building needs to be expanded slightly. This is in anticipation of him retiring and re-aligning staffing in the office. The concept is to add an approximate 1,100 square foot addition to the rear of the building, adding four (4) offices. We will have to give up a few parking spaces, but we will be able to move them back along the fence area.

2- Mr. Sutton advised that he is asking for the authorization to prepare architectural plans, designs, site plans, drainage and landscaping. We will be utilizing our engineering firm for civil engineering services. We put out a request for an RFP for professional architectural services on August 26, 2025. There was one proposal that came in from a licensed and fully qualified firm of Henry Hengchua Architects, located in the Toms River area. He has commercial experience and we were pleased with his credentials.

Mr. Sutton stated that we probably should have addressed the expansion at the beginning of his tenure with the Authority. We were already utilizing some storage areas as office spaces. Because we are required to keep records for so long, storage has become an issue, and it's only going to get worse.

A motion was made by Mr. Cicco, seconded by Mrs. Skelly to authorizing the preparation of architectural plans for an addition to the Authority's building.

3 - Mr. Sutton stated that Resolution #2025-56 on the agenda to appoint Mr. Henry Hengchua as the Authority's Architect. We can take action on this at the end.

4 - Mr. Sutton stated that there was an incident that occurred recently where a resident had a serious overage of about 74,000 gallons of water. We currently have a system in place with our Sensus Meter Reading Program, should a customer have over 1,000 gallons of water usage in a 24-hour period, it would automatically be flagged and the Authority is notified. We would then reach out to the resident notifying them. For some reason our software company under Sensus added an additional column, which we were not aware of. The difference is that they would read by the hour, rather than 24 hours. The customer in essence would have to have a situation where they used 1000 gallons in an hour, rather than that 24-hour period of time. This particular customer had a toilet that was running and using water, but not 1,000 gallons in the course of an hour.

Mr. Sutton stated this is not an error on our part. The resident will submit a request for consideration for the Customer Committee and the reason he is bringing it up is he anticipates we may have more incidents like this.

Mrs. Skelly asked if this has been rectified with Sensus.

Mr. Sutton stated yes, and that we will only accept readings every 24 hours.

Mr. Sutton also explained that we are one of the only Authorities that utilizes this portion of the reading system, and we pride ourselves in reaching out to our customers when they have excess use before it goes on too long.

5 – Mr. Sutton stated that as a point of information, the committee assignments will not take place until a new Commissioner has been appointed by the Township Committee to fill the

unexpired term of Margaret DePergola. In addition, the Board will take action to reorganize after this appointment.

6 - Mr. Sutton stated that in anticipation of what he has heard and seen in the local media, he wanted to review with the Board the proposal of the development off of Center Street.

Mr. Sutton stated that the Planning Board has already had their meeting and he understands the project has been approved. First and foremost, the developer has not come back to the Authority for any consideration of tentative approval. They previously came to us, and the plans were inferior, and we needed a lot information for us to make a decision. We had the recommendation from our Engineer, which we followed and adopted by resolution, denying the application for tentative approval for both water and sewer. We provided the developer with a lot of detail with the deficiencies that needed to be addressed.

Mr. Sutton assured the Board that as always, we will be extremely thorough, doing our due diligence. That being said, people may have personal interests and opinions on whether something should move forward or not. In that particular case they aren't relevant.

Mr. Sutton went on to explain if there are legal matters that pertain to it, we may not be able to take action and we would be precluded from doing so.

Mr. Sutton stated that he needs to preface this because it may difficult. We may be neighbors to the adjoining area and may have issues or personal interests and beliefs in whether or not this development should be built. That said, if you feel uncomfortable, or feel there is a conflict, that would certainly be a discussion of whether you should recuse yourself.

Mrs. Rumpf stated that if you can't get past the fact that it has been authorized by the Township and you are dead set against the development, you have no choice but to recuse yourself. Otherwise, the Township approved it and we have to do what we are required to do as an Authority.

Mr. Sutton reiterated that this is not negative, nor is he saying questions cannot be raised, but it needs to be an open and honest discussion. We will always have an open conversation and do our due diligence. This would not have any impact on ultimately taking action on the project and recusal would only be in a time where there is a motion.

Mrs. Rumpf confirmed this and stated that you can listen, ask questions, but if you're biased, you cannot vote.

Mrs. Rumpf stated that the letter Mr. Dittenhofer sent to the developer was very thorough in what was required of the developer.

Mr. Sutton stated that we did get notification that they will be coming in with a revised application, correcting the deficiencies we previously discussed. He noted that they asked for some other considerations which Mr. DiFrancia can address. These are all things in anticipation of what's going to happen when we get to the point of approval. We are not there yet. Even if the public came in and expressed a negative opinion to us, we still have limitations to what we can do. We can only look at it as it relates to our Rules and Regulations, and the State and County rules and regulations. We cannot look at issues like traffic, zoning or anything else we may think is included in that.

Mr. Sutton assured the Board that we be thorough. It is the only way we have been and we will not allow any project to come in that's not going to develop under our Rules and Regulations and our standards.

Mr. Sutton went on to explain that we have changed so much of our Rules and Regulations from day one of his tenure. If you're going to build it, we are going to take it over. Before, the Authority never took anything over, they would let them project come in, developers build to whatever standards they chose. We are now dealing with the wrath of that, and it's not the way to do business. If it's not built to our standards where we can take it over at no cost to our ratepayers, we are not going to accept an inferior project.

Mr. DiFrancia stated that when a residential development comes in, they are required to build to our standards where we take on and own all the infrastructure up to the curblin. Because, ultimately when customers are impacted whether it's sewer running down the road or no water, it is our responsibility to correct it. The DEP doesn't care who has "ownership", they want it corrected immediately. When it comes to a commercial property, it's a different story. They can close down, and get the proper corrections made.

Mr. DiFrancia stated that he recently received an email from the engineer of the developer off of Center Street requesting that we consider a contingency on tentative approval with regard to the required looping system.

Mr. DiFrancia explained to the Board in detail that when a project/developer comes in and is expanding the water and sewer system, they have to create a loop where there is no dead end of the water main that would essentially isolate any neighboring communities from having water during a repair or leak. This particular developer is requesting a contingency because they have to acquire property to get to Route 9 for the looping.

Mr. DiFrancia stated that he wanted to discuss this with our Director and Engineer before replying.

Mr. Sutton stated that the remaining properties in Little Egg Harbor that are developable at this point, almost all of them, have a looping issue. Looping in these cases essentially means you cannot isolate a community. You have to have continuous flow of water. So that in the event you have to shut water off, you are still providing water to other areas of the community. And it all comes down to money. When you have to create a loop, you may have to extend the water main, or go down the Route 9 Corridor which can be costly. However, we don't care, money is no reason to deny or provide any waivers. They have to do it. They are the standards that are required not just by the Authority, but also the State of New Jersey. We can tell them over and over, and it's not going to change and the developer will always want the exception. We have told them in advance. And we are not trying to be the bad guys. This has come before the Superintendent and I before. Where we were accused of preventing a developer from developing the property. That's not the case. They know what needs to be done and they have been told.

Mr. Sutton stated that the other issue that comes about, is that they, meaning the developer will want to tie into existing development's water and sewer mains. If it is in a public right-of-way, the Authority has no jurisdiction over that and cannot deny them the ability to do this.

Mr. Sutton asked Mrs. Rumpf if this was correct. Mrs. Rumpf confirmed he is correct.

Mr. Sutton stated unless it's a privately owned road where you would have an easement in place, that is the only time there could ever be an exclusion. But we cannot not deny them because they want to go through a certain area when the right-of-way exists.

Mr. DiFrancia stated that if the Authority owns the water and sewer mains in the right-of-way, and the developer performs hydraulic studies and it's feasible for them to hook up to it, they can. If it's not feasible, then the piping has to be upsized and then it has to go before the engineer and there is a whole other process to that.

Mr. Dittenhofer stated that to clarify they can only review for good engineering practice in the capacity to serve these customers, there is no subjectivity.

Mr. Sutton stated that from a business standpoint, and stated that it is his responsibility to run the Authority like a business, this development coming in is a windfall for us. With connection fees alone it's around 2- million dollars of revenue. This could offset some of the cost for the water tower that will be necessary should this development go in, let alone bringing in more customers. That's the reality of it from a business standpoint only.

Mr. Sutton stated that he spent a lot of time on this but he wanted to make sure everyone understood our position, what's required of the Authority, and that at the end of the day we are going to do our due diligence.

Mr. Cicco asked about private property and stated that Tall Timbers is private property. The town doesn't own the roads, the only thing they do is collect the garbage.

Mr. DiFrancia stated that his understanding is that with the utilities, we have a blanket easement through the entire development. Essentially it becomes a right-of-way with regard to the utilities, and they are owned by the Authority.

Mr. Cicco stated that their roads were done by them, their HOA.

Mr. DiFrancia asked Mr. Dittenhofer if it could be any other way with regard to the blanket easement.

Mr. Dittenhofer confirmed that it would be some sort of deeded access.

Mr. Cicco shared with the Authority that because of the neighboring development, Sunrise Bay, and the run off during storms, a drainage issue occurs in his development, and no one thought about that when they were building Sunrise Bay. Everything, the water and mud all end up in his development.

Mr. Sutton stated that in looking at the preliminary plans for this proposed development there are an unbelievable amount of basins in the plan, but ultimately that will be under the Township and for their review, along with the County.

Mr. Sutton expanded on the basin and storm drainage and stated that the climate in New Jersey right now is that they are very afraid. There have been recent lawsuits that have been settled by juries for ridiculous settlements for storm water management. So much so, that towns are afraid to do a portion of storm water improvements. When these cases go before juries, they are being awarded so much money that the JIF and Mel are afraid. They are going to try to restrict and change the laws, especially where Authorities and Towns were exempt. They are going to be scrutinizing stormwater management very closely.

Mr. Dittenhofer confirmed what Mr. Sutton stated and added that stormwater management regulations relative to those five (5) years ago, are very different, and rightfully so.

Mr. Sutton stated that in theory they won't allow any stormwater run-off to impact any other neighboring communities. It has to be able to contain what is coming from that site specifically. They are proposing a lot of basins in this development.

Mr. Sutton asked if there were any other questions.

Mr. Miller stated it looks like it will be a while before a tree comes down.

Mr. Sutton stated he wasn't sure. There was an issue where the Township owned a piece of property along the Route 9 corridor, that nobody bid on. We have expressed our interest to the Township Committee that we would like to have about 1 ½ acres of that property for our future water tower. This is all something the developer could look at in order to get the roadway in, and out to Route 9 for the looping. The developer has some options, but the looping has to be done, no exceptions. These are the standards.

Mr. Miller asked about the fact that it was a shooting range and the amount of lead that would be present.

Mr. Sutton explained that even if we were to put a water tower there, it wouldn't have an impact on the water because we aren't pumping from that location, it would just be storage.

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

SUPERINTENDENT'S REPORT

1 – Mr. DiFrancia stated that he is happy to report that we have received federal approval for TTHM and HAA5 water samples tested last month. The results have been submitted and posted on the NJDEP website. This completes the required sampling of TTHM and HAA5 for the quarter.

2 – Mr. DiFrancia advised the Board that Resolution #2025-55 is on the agenda regarding preliminary water approval for Dream Home & Development Corp., along with corresponding Engineer's letter. This property is located at the corner of Mathistown Road and Route #9. Approval is recommended.

3 – Mr. DiFrancia stated that in mid-August, Authority personnel completed the installation of a two (2) inch meter at the Township concession stand on Sports Complex Drive. The metering will allow the Township to accurately report water usage to the NJDEP as is required yearly for compliance with their water allocation permit.

4 – Mr. DiFrancia stated that all the backup generators, including the Authority's mobile ones, at all of our facilities have had their yearly service and inspections. This ensures fail safe operating in the case of an emergency and/or power outage.

5 - Mr. DiFrancia advised the Board that his work order management report is attached and reviewed the items.

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

Mr. Cicco inquired about the Dreams Homes application and whether it was commercial use, or homes?

Mr. DiFrancia advised him that they are townhomes, but they are only coming in for preliminary water right now. They wanted to find out what is required from them and have a meeting with the Authority.

Mr. Cicco stated that he thought that was zoned commercial.

Mr. Sutton stated it is actually zoned affordable housing. When the application came in before, initially a portion was regular housing and a small portion was affordable housing. Again, even if an applicant had a prior approval for water, we still require them to reapply because it could be a different scope in the project.

Mr. DiFrancia added that a previous applicant had preliminary approval and when they realized what was required with the looping, they walked away from the project.

Mr. Sutton stated that Dream Homes specified this particular application because they are the same applicant that came in for the property on Mathistown Road near Wawa. That is 98 units.

Mrs. Skelly asked how many townhomes are they planning for the project at Mathistown and Route 9.

Mr. Sutton stated that we really aren't sure. When they submitted application, it was a basic plan, just enough to meet the requirement for preliminary approval. It all goes back to the looping and they want an exception.

Mr. DiFrancia clarified that preliminary approval just states whether water and sewer is available. Technically they can give you a picture with block and lots on it, and we are going to tell them whether water and sewer are available. They don't want to go through all the work with the plans, especially with the last developer that walked away.

There being no more questions, a motion was made by Mr. Cicco, seconded by Mrs. Skelly 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 and he would like to briefly touch on some items.

Mr. Dittenhofer stated that with regard to Mystic Island Phase III Water and Sewer Main Replacement Project. We are wrapping up some final engineering comments.

Mr. Dittenhofer stated that with regard to Well No. 13, we have had a pre-construction meeting with the contractor. It looks like we will begin work in October due to lead times.

Mr. Dittenhofer stated that with regard to Well No. 6, his office is continuing to work with the Authority concerning the filter vessel.

Mr. Dittenhofer stated that the next item is for the Chlorine Contact Tank at Well #13, his office should have specifications finished shortly.

Mr. Dittenhofer stated that the last item is for Preliminary Water approval for Dream Homes. His office has sent a letter recommending approval.

Mr. Dittenhofer 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 Engineer's Report as submitted. All in favor.

ATTORNEY'S REPORT

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

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

Mr. Miller stated we will handle the resolutions at this time.

A motion was made by Mrs. Skelly, seconded by Mr. Cicco to approve Resolution #2025-55 granting preliminary water application for Dream Homes and Development Corporation, Block 325 Lots 4.01, 4.02 and 4.03. Roll call vote, Kenneth Maxwell – yes, Peter Cicco – yes, Marie Skelly – yes, Kenneth Miller – yes.

A motion was made by Mr. Cicco, seconded by Mrs. Skelly to approve Resolution #2025-56 authorizing professional appointment for architectural services of Henry Hengchua Architect, P.C. Roll call vote, Kenneth Maxwell – yes, Peter Cicco – yes, Marie Skelly – yes, Kenneth Miller – yes.

Mr. Miller asked if there was anything else to come before the Board. There being no other matters, a motion was made by Mr. Cicco, seconded by Mrs. Skelly to accept and file all general correspondence. All in favor.

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

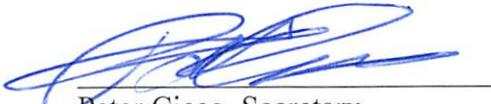
There being no other public in attendance, a motion was made by Mrs. Skelly, seconded by Mr. Cicco, to close this portion of the meeting to the public. All in favor.

Mr. Sutton added that the Authority was selected by Sherwin Williams for Water Tower of the Year for the Sea Oaks Water Tower. He, Superintendent DiFrancia and Deputy Superintendent John Mulvihill had a phone conference with Sherwin Williams and they will be putting together a large article on our water tower and it will be in trade publications throughout the country. It was exciting to go through the interview process and we gave them some great information and before and after pictures. We were asked to attend the conference located in Chicago. It's a very large three-day international conference for water and sewer called WEFTEC.

Mr. Sutton stated that he would like authorization for them to attend, and noted that they are not attending the Sensus Conference this year as they have in the past, this is the only conference.

A motion was made by Mr. Cicco, seconded by Mrs. Skelly authorizing the Executive Director, Superintendent, and Deputy Superintendent to attend the WEFTEC Conference.

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



Peter Cicco, Secretary