
RARITAN TOWNSHIP MUNICIPAL UTILITIES AUTHORITY
REGULAR MEETING MINUTES

MARCH 17, 2016

365 Old York Road, Flemington, New Jersey
(908) 782-7453 Office (908) 782-7466 Fax

1. MEETING CALLED TO ORDER AT 5:00 PM

The meeting of the Raritan Township Municipal Utilities Authority (RTMUA) was called to order stating that the meeting had been advertised in accordance with the Open Public Meetings Act setting forth the time with the RTMUA office as the place of said meeting. It was further stated that a copy of the Agenda was posted on the RTMUA office bulletin board.

2. ATTENDANCE ROLL CALL:

Dr. Buza	Here
Dr. Dougherty	Here
Mr. Kendzulak, Jr.	Here
Chairman Kinsella	Here
Mr. Tully	Here

Also present were Gregory LaFerla, RTMUA Chief Operator / Director; Regina Nicaretta, RTMUA Executive Secretary; Nancy Wohlleb, PE, Hatch Mott MacDonald; C. Gregory Watts, Esquire, Watts, Tice & Skowronek.

3. PLEDGE OF ALLEGIANCE

4. APPLICATIONS:

- a) Application for Final Sanitary Sewer Service Class II-B, TWA Required, Junction Road Associates, LLC (Flemington Junction, LLC / Flemington Junction Apartments) (Block 16.01 Lot 37.01 & 54)

Mr. Kinsella – I think it would be appropriate to consider a motion to go into Closed Session for the purpose of discussing Personnel / Contractual Matters and we do not anticipate any official action will be taken once we come out of Closed Session.

Mr. Kendzulak, Jr. made a motion to adjourn into Closed Session for the above stated purpose and Mr. Tully seconded the motion. Closed Session was from 5:09 pm – 5:36 pm.

5. RESOLUTIONS:

Resolution #2016 - 25 Approval of Final Sanitary Sewer Service, II-B, TWA Required, Junction Road Associates, LLC (Flemington Junction, LLC / Flemington Junction Apartments) (Block 16.01 Lots 37.01 & 54)

Dr. Dougherty made a motion to approve Resolution #2016 - 25, Dr. Buza seconded the motion.

Roll call vote:	Dr. Buza	-	Yes
	Dr. Dougherty	-	Yes
	Mr. Kendzulak, Jr.	-	Yes
	Chair Kinsella	-	Yes
	Mr. Tully	-	Yes

Resolution #2016 - 26 Acceptance of Performance Guarantee and Authorization to sign Development Agreement, Flemington Junction Apartments (Block 16.01 Lots 37.01 & 54)

Mr. Tully made a motion to approve Resolution #2016 - 26, Mr. Kendzulak, Jr. seconded the motion.

Roll call vote:	Dr. Buza	-	Yes
	Dr. Dougherty	-	Yes
	Mr. Kendzulak, Jr.	-	Yes
	Chair Kinsella	-	Yes
	Mr. Tully	-	Yes

Resolution #2016 – 17 Appointment of Consulting Engineer

TABLED

Mr. Kinsella – We are going to table this again until next month; the Engineering Sub – Committee will meet during this next period of time and will be back with recommendations next month.

Resolution #2016 – 27 Awarding of Professional Contracts for Auditors
(not to exceed \$60,000.00 - Bowman & Co., LLP &
not to exceed \$10,000.00 – WithumSmith + Brown)

Mr. Kendzulak, Jr. made a motion to approve Resolution #2016 - 27, Dr. Dougherty seconded the motion.

Roll call vote:	Dr. Buza	-	Yes
	Dr. Dougherty	-	Yes
	Mr. Kendzulak, Jr.	-	Yes
	Chair Kinsella	-	Yes
	Mr. Tully	-	Yes

Resolution #2016 – 28 Awarding of Professional Contract for Legal Counsel
(not to exceed \$35,000.00 - Watts Tice & Skowronek)

Mr. Kendzulak, Jr. made a motion to approve Resolution #2016 - 28, Dr. Buza seconded the motion.

Roll call vote:	Dr. Buza	-	Yes
	Dr. Dougherty	-	Yes
	Mr. Kendzulak, Jr.	-	Yes
	Chair Kinsella	-	Yes
	Mr. Tully	-	Yes

Resolution #2016 – 29 Awarding of Professional Contract for Special Counsel
(not to exceed \$10,000.00 - Tyler & Carmeli, PC)

Mr. Kendzulak, Jr. made a motion to approve Resolution #2016 - 29, Dr. Dougherty seconded the motion.

Roll call vote:	Dr. Buza	-	Yes
	Dr. Dougherty	-	Yes
	Mr. Kendzulak, Jr.	-	Yes
	Chair Kinsella	-	Yes
	Mr. Tully	-	Yes

Resolution #2016 – 30 Awarding of Professional Contract for Bond Counsel
(not to exceed \$45,000.00 – McManimon & Scotland)

Dr. Buza made a motion to approve Resolution #2016 - 30, Dr. Dougherty seconded the motion.

Roll call vote:	Dr. Buza	-	Yes
	Dr. Dougherty	-	Yes
	Mr. Kendzulak, Jr.	-	Yes
	Chair Kinsella	-	Yes
	Mr. Tully	-	Yes

Resolution #2016 – 31 Amendment of Schedule of Sewer Use Charges and Fees

Mr. Tully made a motion to approve Resolution #2016 - 31, Mr. Kendzulak, Jr. seconded the motion.

Roll call vote:	Dr. Buza	-	Yes
	Dr. Dougherty	-	Yes
	Mr. Kendzulak, Jr.	-	Yes
	Chair Kinsella	-	Yes
	Mr. Tully	-	Yes

Resolution #2016 – 32 Authorizing Application for Loan from the New Jersey
Environmental Infrastructure Financing Program

Mr. Kendzulak, Jr. made a motion to approve Resolution #2016 - 32, Mr.
Tully seconded the motion.

Roll call vote:	Dr. Buza	-	Yes
	Dr. Dougherty	-	Yes
	Mr. Kendzulak, Jr.	-	Yes
	Chair Kinsella	-	Yes
	Mr. Tully	-	Yes

Resolution #2016 – 33 Raritan Headwaters Association Membership
(\$250.00 Membership Fee)

Mr. Kendzulak, Jr. made a motion to approve Resolution #2016 - 33, Dr.
Buza seconded the motion.

Roll call vote:	Dr. Buza	-	Yes
	Dr. Dougherty	-	Yes
	Mr. Kendzulak, Jr.	-	Yes
	Chair Kinsella	-	Yes
	Mr. Tully	-	Yes

Resolution #2016 – 34 Return of L & E

Mr. Tully made a motion to approve Resolution #2016 - 34 Dr. Buza
seconded the motion.

Roll call vote:	Dr. Buza	-	Yes
	Dr. Dougherty	-	Yes
	Mr. Kendzulak, Jr.	-	Yes
	Chair Kinsella	-	Yes
	Mr. Tully	-	Yes

Resolution #2016 – 35 Restatement of Policy Concerning Assignments of
Agreements for Reservation of Wastewater Treatment
Capacity

Dr. Dougherty made a motion to approve Resolution #2016 - 35, Mr.
Kendzulak, Jr. seconded the motion.

6. **Approval of Minutes:** Minutes of February 18, 2016

Mr. Tully made a motion to approve the minutes from the February 18, 2016 meeting. Mr. Kendzulak, Jr. seconded the motion. All were in favor.

7. **Treasurer's Report / Payment of Bills:**

Mr. Kendzulak, Jr. - The bills totaled \$852,402.89. All appears to be in order. If you look at the last page of the light green, on the lower right corner, you'll see that we spent 34%, a little bit above 34%; as of last year at this time we were at 31%. That number is a bit higher but part of it has to do with ACUA and the extra payments we're making and the stuff we pay up front. In saying that though, and I expressed a bit of a concern at the last meeting, that we were a little bit higher; if you look at it conservatively, we're a little better than three months through our fiscal year which would be about 25%, so at 34% it's something not to be alarmed at just yet but it's something to keep an eye on as we progress.

Dr. Dougherty made a motion to approve the payment of bills. Dr. Buza seconded the motion.

Roll call vote:	Dr. Buza	-	Yes
	Dr. Dougherty	-	Yes
	Mr. Kendzulak, Jr.	-	Yes
	Chair Kinsella	-	Yes
	Mr. Tully	-	Yes

8. **Citizens' Privilege:**

Mr. Shuman came in at approximately 7:15 pm; the Closed Session being held in the Work Session was halted at 7:32 pm to let Mr. Shuman speak.

Mr. Shuman – Recently, my client contracted to buy a nine and a half acre parcel of land on Junction Road, Block 16.01 Lot 37 and it's immediately east of the piece the NJDOT owns. We're just about to close title and we're here because we want to be able to transfer the capacity to the new owning entity.

Mr. Watts – I discussed this briefly with Mr. Shuman before and the Board well knows the resolution we passed earlier tonight, but I previously gave the Authority the advice that when these situations came up, because of how we had treated people in the past, when they sold the property the new owner could

come in and get a new Reservation Agreement and I felt that we had to treat this one the same way, the few that we have left, we're going to have to deal with but we won't be doing it going forward. I think what Mr. Shuman wants is some word from the Authority if the transfer of title takes place prior to June 30, 2016, then a new Reservation Agreement will be given to the new owner. We need the information because we need to prepare a Transfer Agreement and then we'll give a new Agreement so make sure you get the information to Ms. Nicaretta. Is the Board okay with that?

General consensus was given.

9. Adjourn into Closed Session by Motion, if Needed

Held previously.

10. Adjournment of Regular Meeting:

Dr. Dougherty made a motion to adjourn the Regular Meeting. Mr. Kendzulak, Jr. seconded the motion. All were in favor.

RARITAN TOWNSHIP MUNICIPAL UTILITIES AUTHORITY
WORK SESSION MINUTES

MARCH 17, 2016

365 Old York Road, Flemington, New Jersey
(908) 782-7453 Office (908) 782-7466 Fax

1. **The Work Session** of the Raritan Township Municipal Utilities Authority will be called to order upon the adjournment of the Regular Meeting.
2. **Correspondence:**
 - a) Mark Hoffman of Garden Commercial Properties regarding US Realty 87 Decatur and Reservation Agreement (Block 72.23 Lot 32) (7 EDUs)

Mr. Hoffman – My name is Mark Hoffman, I'm a developer with Garden Homes and Garden Commercial Properties; I appreciate your entertaining my request from last November. I have been involved with this subject property which is situated along 202 in Raritan Township for approximately fifteen years, a little more than fifteen years. In November, when I broached the subject of the pending expiration of our sewer service Agreement I didn't mention a couple of points that I think, in my opinion, were relevant to bring to the Board's attention for purposes of consideration and obtaining relief from the expiration which is coming up at the end of June. Back in 1997, my organization and I began the approval work associated with the four lots that were contained within the Borough of Flemington. As part of this development for a shopping center, I was working with professionals from Raritan and Flemington together, as well as the RTMUA and the NJDOT to pull together a plan that would not only give us the shopping center we were looking to build from the business perspective but also achieve a number of public purposes that were expressed to me as being highly important to the Borough of Flemington as well as the Township of Raritan and the Department of Transportation. Part of that was an internal access roadway which was something that was attempting to mitigate traffic along the circle and as well, create better traffic flow in this whole corridor of shopping. I think what's very relevant from the outset was that in order to build that internal access roadway we had not clearly defined where that road, coming from Reaville across our property would then enter out on Route 202. As part of our strategy to effectuate this overall plan, we acquired a parcel to the north which actually incorporated two parcels, an acre and a half in Flemington Borough and the six point eight acre parcel in Raritan Township and we had at the time acquired it, around 2000, we sketched out a plan on how this roadway would again leave our shopping center in Flemington, traverse the small situate of land in Flemington and then enter the parcel in Raritan. That again was to effectuate the overall design that we were working on both from a private perspective and a

public perspective. I think this gets to the relevant part, expressing how we might have satisfied in some way the measure of the Agreement requiring a milestone to be achieved in order for the sewer capacity to be reserved. At the time we appeared before the Borough of Flemington, we had numerous conversations about this parcel in Flemington and as well as professionals in Raritan to achieve all of these public purposes. During the course of the colloquy before the Borough of Flemington at our Planning Board hearing, although the parcel itself wasn't the subject of the approval, there was discussion about the future use of the parcel and the sewer allocated for that parcel; in other words, what was necessary to build what we were contemplating. The Borough of Flemington, during those conversations, we had seven EDUs on the parcel in Raritan and then the Borough of Flemington requested of me "what do you need in order to achieve this piece of development which everyone was trying to facilitate in order to continue the internal access roadway and achieve the ultimate planning goal of connecting the road from Raritan all the way up to Voorhees Corner Road and our engineers who I have with me today stipulated that you needed somewhere between fifteen and twenty EDUs to achieve that goal. During the approval process in Flemington, on the record, the Borough acknowledged that if we had the allocation of the seven EDUs on the Raritan piece, we would get an allocation of eleven EDUs from the Flemington stockpile to achieve a total use of eighteen. I know it's in the record and since November I have just scoured the file again just to try to pull together any further facts that might distinguish our situation from other situations; I know the Board had mentioned to me in November, you need to have a hard and fast rule in order to achieve your goal of getting back sewer for uses of folks that are coming in and actually using it at that time. I guess to me it's, is it equity, did we satisfy it in some way; I fully recognize the efficacy of this Agreement, that you have to have something in writing but it seems to me that during the course of our formal presentations before the Planning Board we discussed the issue, we got some form of approval so to speak that was on a public record that acknowledged the need for this sewer and again, I had some discussions with Ms. Melfi who was on the Planning Board at the time back in the early 2000's, after the November meeting and I said "did we talk about that" and she remembered those discussions and that it was on the record. So I guess to concisely sum up what I'd like the Board to consider, and if there are any additional questions for me, is that it's not as if we didn't, on this parcel and on our parcel in Flemington, approach a municipal body for approval and discuss it. It wasn't the actual subject matter of the approval however it was reasonable at the time to incorporate this lot because we didn't need the access to Route 202 at the time because STS Tire Company wanted to be part of this whole thing and we achieved an easement across their property so we didn't have to actually get that

tie in right away but it was very much a topic of conversation at a formal municipal Planning Board meeting and we did get some form of feedback from the Borough of Flemington as to how they would handle it. Perhaps it doesn't rise to a formal Planning Board approval on that parcel but it seems like I'm getting really close to satisfying something here, perhaps just in equity so if there's any other questions the Board has about that time period or anything else that's in my letter, which I previously submitted and I hope you've had a chance to read it, I'm here and my engineer who handled the job for us for the last twenty years is here as well.

Mr. Kendzulak, Jr. – What's the status of your Application with the Raritan Township Planning Board?

Mr. Hoffman – We don't have one. Again, getting these kinds of projects done isn't a perfect science and you never know for sure what you have in terms of what you're going to need and whose cooperation you're going to get, who's you're not going to get but all the Authority's from a public perspective wanted this done and what we did as a private organization was acquire an additional parcel to the north to achieve that ultimate goal which sometimes happens but we just didn't need it at that time in order to get it done; however, if we did need it, it was there and was the subject of discussion, in advocating my position with what I'm looking for here, we could have included it because it would have been easier for us, knowing where I am now, but at the time everybody said, Mr. Coppola said "why bother coming to Raritan right now, you don't need it right now" and Mr. Coppola especially was very adamant on the connection going all the way up to Voorhees Corner Road, it was one of his pet projects and Mr. Kren was interested in it as well. They said "leave it out, you don't have to come to Raritan, we've given you all of our input for now" and that's for the most part how it moved forward.

Mrs. Wohlleb – I have a quick question; I don't know if the other page as well will show it but I know the Shoppes at Flemington project, the actual sewers that you are tributary to for that parcel, are Flemington Borough sewers. I believe you connected your project to some of their local collectors; as you highlighted on your other map, you had relocated a section of the 18" sewer on your property to get it out of the building footprint but this parcel here, even though it's in Raritan Township, what would be your intent in terms of connection? Would you actually connect it to a Flemington Borough sewer? The only other sewer that's located there is the Authority's main interceptor, that's at the rear of the property. If you're actually connecting to Flemington Borough's sewers, I'm not sure but you'd have to deal with Flemington Borough. They are our bulk customer so to speak so if your proposed sewage flow is actually going to Flemington Borough, which I can't really tell from your map, I see you highlighted a blue line.

Mr. Lund – I'm the engineer, the blue line is the Flemington sewer line and in the back of the property in orange or red is the trunk line of the RTMUA.

Mrs. Wohlleb – I see you have some concept layout there, are you showing connection to the Borough line?

Mr. Lund – The concept didn't get that far.

Mrs. Wohlleb – It's a consideration certainly.

Mr. Hoffman – What we had talked to the Borough about at the time, Mr. Lund's firm mentioned that with the allocated amount within the Reservation Agreement, we didn't have adequate capacity to handle this development so we had broached the subject with the Borough of Flemington who had a smaller piece of the overall percentage of the tract we were eventually going to develop and there was support on the record for another eleven EDUs, so maybe that's what the Borough was thinking at that time.

Mrs. Wohlleb – We typically don't mix capacity; whether you're located within the political boundary of Raritan Township but if all of your sewer flow is tributary to the Borough sewer, you're in effect a Borough customer. If you connected somehow or somehow extended a new sewer that ties into a Raritan sewer then we have to grant you an approval for sewer service and to do that you would need an allocation.

Mr. Watts – What were the seven EDUs predicated upon? What was the proposed development that gave rise to that amount of capacity?

Mr. Hoffman – Like you mentioned when you were in session before we were speaking, we took the Reservation Agreement from the Flemington Fur Company; we had it assigned. I'm not sure of the answer. They had at one point contemplated something but they weren't really in the business of development and Robert Benjamin Sr. essentially owned the property for purposes of the billboard and we acquired it from that firm in order to facilitate our whole development here with the access roadway, so we really just took what he had and we hadn't had any knowledge of what his particular plan was.

Mr. Kinsella – It looks like it could need more than seven EDUs.

Mr. Hoffman – We would need between fifteen and twenty EDUs, probably closer to fifteen and we presented that to the Borough of Flemington and we mentioned that we had a formal Agreement for seven EDUs and Flemington on the record acknowledged that eleven would be available for this future development.

Mr. Watts – You can apply for up to 5 EDUs, in other words if the seven EDUs expire on June 30, 2016, you can come in on July 1, 2016 and administratively get five EDUs assigned to that parcel.

Mr. Hoffman – That would be acceptable to us; that's good to know. I do think that's only two off of where we were before and I'm not looking at this point

for any increase although we have been in discussions with the Township of Raritan; I was discussing with Ms. Sunyak the possibility of some alternative uses and different ideas of how to get this corridor developed. We have had interest over the last five years, for whatever this is worth, from larger commercial users to come to this area and one of those users we put closer to Reaville Avenue, which was the Home Goods store but I can represent that eventually there will be interest in this corridor being developed for retail use or some other use, it just takes some time. I appreciate that information. The dynamic that was operating between the Borough of Flemington and the Township of Raritan was one of cooperation where the Borough of Flemington wanted the project developed for tax ratables as well as the circulation patterns and traffic and whatnot; Raritan was being cooperative because they also wanted some of these traffic issues resolved; Mr. Coppola specifically was very vocal about that so I think when I was before the Board and the issue of sewer came up, Flemington was giving back a little bit, indicating again, if we have a resource and we only want it for Borough versus the Township, they were of the opinion “well, we’re getting something good here that we want maybe down the road we’ll acknowledge on the record we’ll allocate something more than our share for the percentage of the land that’s in Flemington Borough versus Raritan Township to make the whole thing work.

Mr. Kinsella – Can Flemington as a customer include this into their system or not?

Mr. Watts – If Flemington wanted to do that, if they wanted to allocate additional capacity that would go directly into the Flemington line I guess they could; I’ve never heard of it before and I don’t think it’s a good precedent. It seems to me the best resolution would be to get the 5 EDUs in July and then there’s a possibility that we could be going out for a Point System allocation later on in the year. You should get a letter into the Authority that you would like additional capacity for that site so if and when we do a Point System allocation, you will receive written notice.

Mr. Hoffman – Fair enough; the administrative allocation for the 5 EDUs, what’s the procedure for that?

Mr. Watts – Just stop in and see Mr. LaFerla or Ms. Nicaretta and they’ll get a Reservation Agreement to you.

Mr. Hoffman – Thank you for your time.

3. Unfinished Business:

None

4. New Business:

None

5. Professional Reports:

- a) Attorney - None
- b) Engineer – ok

6. RTMUA Reports:

- a) Administrative Report – ok
- b) Operations Report
 - 1. Chief Operator's Report - ok
 - i) Overtime Recap - ok
 - ii) Septage / Greywater Recap – ok
 - 2. ~~Laboratory Summary - ok~~
 - 3. Maintenance Summary - ok
 - 4. Readington Flows - ok
- c) Commissioner's Comments:

None

7. Discussion:

- a) Motor Control Center Replacement Modification #2

Mrs. Wohlleb – Briefly, just for background, when we originally set out to do the Motor Control Center (MCC) project, discussions with the utility company, JCP & L were not favorable at the time for getting the plant's electrical service, which currently runs from Old York Road just as you cross the bridge from Three Bridges and if you're familiar with the adjacent property, the residential property known as the Skolits property, the power actually comes through the rear of their

property, it's very wooded and it's overhead, it does drop down to buried electric near the plant fence and then comes underground to the operations building area parking lot and there's a transformer located by the operations building, you'll see the big transformer that's in front there and from there that's how the Authority has their electric delivered from the utility company. The utility company would not change that service to make it less vulnerable to an outage given that it's coming across wooded property and being overhead it is vulnerable to adverse weather conditions; the Authority has no easement rights nor does JCP & L on that property, it's one of those things that just happened back in the day. At the time, unless the Authority was committing to upping their usage of electricity, JCP & L would not do it except for an exorbitant fee to do so. Fast forward to the construction contract, when the contractor met with both the operator and our office with JCP & L in the field in the course of initiating the paperwork that's needed to have JCP & L perform the work that they would be doing under the project that is currently designed which is to replace the transformer that is existing down at the plant, the issue of improving the plant's electrical service was actually brought up by the layout technician from JCP & L. What JCP & L is supposed to do now is to abandon the service that is running through the Skolit's property and overhead through the wooded area and what they would do is run a couple of utility poles down the plant driveway to the fence that's located just around the corner here and then it would drop down underground and then we would have a new transformer away from its current location and actually closer to the plant generator. After some back and forth with JCP & L and discussions with the Contractor what has to really happen now is, we're at the point in the Contract where the new service needs to be initiated so the new switch gear can go into the new equipment room and loads can start to be transferred over. In order to accomplish this, JCP & L needs to be authorized, there's a very nominal Fixed Service Agreement fee, I think it's around \$1,000.00 - \$1,100.00 or so. There also is going to be no fee from JCP & L to run their lines for their construction services which typically would be between \$50,000.00 - \$100,000.00 on top of the nominal fee. In order to accomplish the underground portion of the service on the plant property plus the placement of the new entrance cabinet which will be located further down on the plant driveway, the Authority's Contractor needs to do additional work; he needs to trench, he needs to install conduit, he needs to pull wires, he needs to coordinate with JCP & L that they come at the right time to set their entrance box and to ultimately place the new transformer. What's nice about this process is that it allows for placement of this transformer without disruption of the existing transformer which is what would have had to have happened under the original conditions that JCP & L had provided for this project. In doing that work they would have needed to utilize the treatment plant's generator, so under the bid for the Contractor, there

are some costs associated with use of the generator which the Contractor had included which we are currently working with the Contractor in pursuing a credit for. We feel that credit is appropriate. The big offset for the cost of the Contractor's work that's a result of this change from JCP & L is that we had a provision in our contract for a utility service allowance of \$75,000.00, that offsets the Contractor's cost to do this work which is approximately a hundred three or four thousand dollars so really the net effect of the Contract not counting a credit that will be applied later on in the Contract for the Contractor not having to utilize the plant generator and the fuel costs associated with that, right now, just to give the Authority some idea as to the impact to the Contract, the net effect is approximately \$28,400.00 to the Contract. We feel with Mr. LaFerla and the operations staff that this is a bit of a win - win in that we're not being told to up our electrical usage to have something that is a benefit of service from JCP & L to be done here. If you recall, the plant was out of electric for about two weeks after Hurricane Sandy, things may have been different if we had it better then.

Mr. LaFerla – We were out eleven days longer than the people at the end of the driveway because of how our line runs. If this was done then, we would have had electric power eleven days sooner.

Mr. Tully – Is there a reason, we're still going overhead which is still vulnerable to whatever, and then we're going underground? Why aren't we going overhead as close as possible if they're not charging us?

Mr. LaFerla & Mrs. Wohlleb – They won't let us.

Mrs. Wohlleb – We tried that...

Mr. LaFerla – ...but they won't cross the fence.

Mr. Tully – Take the fence down.

Mrs. Wohlleb – We said that but they still won't do it.

Mr. Kinsella – Where was the original transformer to be located?

Mrs. Wohlleb – It was going to be located adjacent to where the existing one is now. Now the transformer can be located further away which is also good because it's away from the gas; there's a gas company meter and that's really a no – no though right now it's an existing condition.

Dr. Dougherty – DeMaio's original estimate they didn't include that work because it wasn't in the original plans?

Mrs. Wohlleb – To do the trenching, no they didn't have that in there because all they were doing was...

Mr. Kinsella – So they were going to run it further away for the secondary to come in?

Mrs. Wohlleb – Yes, right next to it

Mr. Kinsella – Under material, I don't notice anything about feeder wire.

Mrs. Wohlleb – It's in there, I went through it. If you look through their bid

summary report, they've got...

Mr. Kinsella - I see mechanical material...

Mrs. Wohlleb – The mechanical work is everything but actually laying what the electrician, according to Mr. DeMaio, his electrician would actually be laying and doing up the conduit and actually pulling the wires, but the actual trenching and the concrete encasement, because we're at a treatment plant, we do a reinforced concrete that is pretty heavy duty.

Mr. Kinsella – It seems to me that six hundred feet and you run parallel five inch pipes...

Mrs. Wohlleb – His wire pull is a little bit further back what he has here, if you look at this sheet, he's got his wire pull so these are his actual...

Mr. Kinsella - ...I see his drag wire, I don't see his big heavy cable, there's no copper, and I don't see that stuff in there.

Mr. Tully – Is JCP & L providing that?

Mrs. Wohlleb – JCP & L doesn't provide that, no.

Mr. Kinsella – I don't see it here.

Mr. Tully – So JCP & L is going to run the wire overhead to the pole and stop.

Mr. Kinsella – The Contractor comes up, he stubs up with schedule eighty and...

Mr. Tully – What do they do, put a couple of wire nuts on there?

Mr. Kinsella – They just tape them up and JCP & L comes up and they make the connection later. Somebody's supplying that copper, its serious money.

Mrs. Wohlleb – He did mention copper to me and like I said I thought that whatever, other than the actual conduit and drag wire, everything else is included, he listed it as his mechanical.

Mr. Tully – I'd like to make sure that wire is included.

Mr. Kinsella – Ask him Mrs. Wohlleb, I don't want to get another contract modification because someone forgot the wire.

Mrs. Wohlleb – That's one thing about DeMaio he seems pretty clear with what needs to be done, he knows this stuff very well and he had all of JCP & L's requirements and I'd seen all the correspondence between him and the layout technician.

Mr. Tully – I'd still like to see something on paper saying that the wire is included so three months from now we're not getting another change order for \$60,000.00 for the wire.

Mrs. Wohlleb – Okay; the intent tonight is, the Contractor is at a point where we want to get him to start moving, he's done a lot of the building work, I don't want to delay him at this point he does need to bring his gear in and in order to do that he's got to have JCP & L...

Mr. Kinsella – Has JCP & L marked out there pole locations and everything?

Mr. LaFerla – Yes.

Mrs. Wohlleb – Yes, they are ready to go. In order to do that, I don't authorize JCP & L to start work; the Contractor has to do that so in order to do that I would like to take the Contract Modification to the DEP but what I can do before I send it to the DEP is make sure is your question is answered. If it's an issue, we'll hold it, if it's not an issue, if I could be authorized to send it to the State so I can get their approval then next month we can do the resolution and the Contractor can do his thing.

Mr. Kinsella – I read the letter a couple of times, JCP & L is aware we are going from 1200 to 1600 amps?

Mrs. Wohlleb – Yes.

Mr. Kendzulak, Jr. – You said DEP but you mean NJEIT?

Mrs. Wohlleb – No, DEP but under the Infrastructure Trust Program any Contract Modification it's not formally approved until the DEP approves it and you need it for the funding.

Mr. Kinsella – So what do we do now Mrs. Wohlleb? Is it just a phone call to DeMaio?

Mrs. Wohlleb – Yes.

Mr. Kinsella – Then just make the phone call.

Mrs. Wohlleb – If it's an issue I won't push it further, I'll bring it back to the Board.

(Many voices speaking at one time)

Mr. Kinsella – Last year we authorized money for a River Study, which was about \$60,000.00, which is the beginning of the plant expansion concept, we have that money set aside and you can get on that.

Mrs. Wohlleb – Okay.

8. Adjourn into Closed Session by Motion, if Needed

Mr. Watts – I think it would be appropriate to consider a motion to go into Closed Session for the purpose of discussing pending litigation with NJDEP in regards to FWWF and Contractual and Personnel Matters and we do not anticipate any official action will be taken once we come out of Closed Session.

Mr. Kendzulak, Jr. made a motion to adjourn into Closed Session for the above stated purpose and Mr. Tully seconded the motion. Closed Session was from 6:29 pm – 7:32 pm and 7:37 – 8:42 pm.

9. **Adjournment of Work Session:**

Mr. Tully made a motion to adjourn the Work Session. Mr. Kendzulak, Jr. seconded the motion. All were in favor. The meeting ended at 8:43 pm.