

WESTERN MONMOUTH UTILITIES AUTHORITY

WORKSHOP & PUBLIC MEETING

August 20, 2019

Chairman Mendez called the Western Monmouth Utilities Authority's Public meeting to order at 7:04pm. It was announced that pursuant to the Open Public Meeting Act and N.J.S.A. 10:4-6 et seq., adequate notice of this meeting has been sent to the Asbury Park Press, The Home News and Tribune, Clerks of Manalapan and Marlboro Townships, and is posted in the lobby of the Western Monmouth Utilities Authority ("W.M.U.A.")

Upon roll call:

Present:	Messrs. Mendez, Pernice and Rosen
Absent:	Commissioner McEnery Brian Valentino, CEO
Also in Attendance:	F. Borin, DeCotiis, Fitzpatrick & Cole, LLP G. Stankiewicz, Accountant J. Carr, Chief Operating Officer K. Leatherman, Chief Administrative Officer R. Brandt, Confidential Assistant, HR Office

All present cited the Pledge of Allegiance.

Chairman Mendez requested that everybody remain standing in silence after the Pledge of Allegiance. Chairman Mendez asked for everyone to remain standing and have a moment of silence to honor James Gray, former Mayor of Manalapan Township who passed away suddenly on July 24, 2019.

Chairman Mendez asked for any public comment.

Michael Volovnik stated that he is the corporate officer for a few of the units located in Bridge Plaza Office Condominium Development. Mr. Volovnik stated that he is here to discuss the letter he mailed to the Commissioners on June 24th, 2019 and the letter he received from Kevin Kinsella regarding NJ state statutes. He cannot legally disconnect the units in question because it will disrupt service to other units. Commissioner Rosen asked what the ultimate issue in question is. Frank Borin, Authority Attorney stated that there are 3 issues. One issue is that 2 units were consolidated into one unit and are operated as a medical lab. The second issue is there were two units that were combined originally being used as a psychiatrist's office, then as a stock brokers office that are vacant now. The issue is

how many EDCU's is the lab and how many EDCU's is the vacant office. The third issue is the vacant unit's issues that are not being used due to lack of parking. The issue is when it was originally constructed; it had a certain number of EDCU's. Those two spaces were consolidated into one space. Mr. Volovnik is asking for relief from the vacant units that cannot be rented because there is not ample parking and he cannot get C of O's from the township due to lack of parking. Commissioner Pernice stated that he has 3 concerns, vacant units; Ms. Leatherman stated that she has been given credit for one unit. The second thing is the combined unit which became LabCorp and under the guidelines and we should maybe have lowered the EDCU count. Mr. Volovnik stated that it became LabCorp in 2006. The third issue is he cannot rent 8 units because of the parking situation. Commissioner Pernice stated that the issue with the township ordinance is out of our control. The Commissioners need to discuss this and talk about this in executive session. Mr. Volovnik stated that LabCorp was occupied in 2006, it was charged double because each unit has a bathroom that we charge for and the original plan was agreed upon by Frank Abate. Ms. Leatherman showed Mr. Volovnik the required EDCU's charges as per the Rules and Regulations. Mr. Volovnik stated after meeting with Ms. Leatherman he found out that he was overcharged for many years. Mr. Borin asked when the project was originally constructed. He stated the plans were originally submitted in 1986. After issues and litigation, Mr. Volovnik's company purchased the project and began the construction in 1996 and constructed as needed by the user. Each project was tailored to the potential renter/tenant. Recently Meridian Health moved out from Building 300 and consolidated their practice and developed a building on Route 9. They are not going to renew the lease. The building became vacant in November of 2011. Each potential buyer or renter went to the zoning board to try to get approval to move in and they were denied. The issue is the property is not rentable because of zoning issues. He requested a meeting with the zoning officer of Manalapan Township, Nancy DeFalco and she informed Mr. Volovnik, that there is not ample parking and until he can provide more parking he will be unable to rent or sell this building. Mr. Volovnik stated that the whole development is surrounded by residential developments and geographically he will be unable to provide more parking which he presented to the zoning board. Mr. Volovnik stated that he will have to demolish the buildings because as they stand it is a financial burden for him! Mr. Borin asked who controls the Condominium Association and he confirmed that there is a Board of Directors. Mr. Borin confirmed that they are owners of units in the project. Chairman Mendez stated that they will discuss this issue in Executive Session. Mr. Volovnik confirmed that they were clear and understood his problem. Chairman Mendez closed the public portion of the meeting. Mr. Volovnik thanked the Commissioners for hearing him!

Chairman Mendez continued with the Discussion Items.

- Chairman Mendez asked for any comment regarding Michael Volovnik's request. This was discussed in Public Session.
- Chairman Mendez asked for any comment regarding the reduction of the Performance Bond and Cash Surety for Camelot West at Marlboro, Project

#622. Mr. Carr stated that Camelot West has requested a reduction of the Performance Bond and Cash Surety. All of the sewer work is done; all that is remaining is issuing C of O's for a lot of the units in the development. Commissioner Pernice is confirming that we are returning the amount specified in the Resolution. Ms. Leatherman confirmed the amounts and stated that this is customarily how we present this in the resolution.

- Chairman Mendez asked for any comment regarding the Award for the Secondary Digester Cleaning. Mr. Carr stated that he brought this to our attention a few months ago. Our secondary digester suction pipe is clogged and we were unable to unclog it. We advertised and collected bids, the low bidder is Spectraserv; we are currently using them for our sludge hauling. He recommends awarding this project.
- Chairman Mendez asked for any comment regarding the Release of the Performance Guarantee to 70 Greenwood Road, Project #616. Mr. Carr stated that is the new self-storage facility across from Camelot West in Morganville. All the work is complete. They posted a cash maintenance bond which we hold for two years. This is returning the Performance Guarantee which is a letter of credit.
- Chairman Mendez asked for any comment regarding Appointing Wingman LLC web design for our wonderful WMUA website. Ms. Leatherman stated we had only 3 submissions with the proper paper work. We had a meeting with Wingman and he estimated at least 60 hours at \$60.00 per hour. Commissioner Pernice asked if this is based on how many hours he believes that it would take to create our website which we would consider the lowest bid. Commissioner Pernice asked if we stipulated that amount in the contract. Ms. Leatherman stated that the amount should not exceed \$6,500.00.

RESOLUTIONS:

- 19-91 Authorizing a Reduction for the Performance Bond and Cash Surety for Camelot West at Marlboro, Project #622
- 19-92 Awarding Secondary Digester Cleaning as per Specifications to Spectraserv
- 19-93 Authorizing the Release of the Performance Guarantee for 70 Greenwood Road LLC, Project #616
- 19-94 Appointing Wingman LLC for Web Design

Chairman Mendez asked for a motion for Resolution 19-91. Commissioner Rosen moved, seconded by Commissioner Pernice, the vote was as follows:

AYES:	Messrs. Mendez, Pernice and Rosen
NAYS:	None
ABSTENTIONS:	None
ABSENT:	Commissioner McEnergy

Chairman Mendez asked for a motion for Resolution 19-92. Commissioner Pernice moved, seconded by Commissioner Rosen, the vote was as follows:

AYES:	Messrs. Mendez, Pernice and Rosen
NAYS:	None
ABSTENTIONS:	None
ABSENT:	Commissioner McEnergy

Chairman Mendez asked for a motion for Resolution 19-93 Commissioner Rosen moved, seconded by Commissioner Pernice, the vote was as follows:

AYES:	Messrs. Mendez, Pernice and Rosen
NAYS:	None
ABSTENTIONS:	None
ABSENT:	Commissioner McEnergy

Chairman Mendez asked for a motion for Resolution 19-94 Commissioner Rosen moved, seconded by Commissioner Pernice, the vote was as follows:

AYES:	Messrs. Mendez, Pernice and Rosen
NAYS:	None
ABSTENTIONS:	None
ABSENT:	Commissioner McEnergy

Consent Agenda Resolutions:

- 19-95 Dismissing Employee from Service at the WMUA TABLED
- 19-96 Approving Minutes of July 16, 2019
- 19-97 Authorizing the Execution of a Developers Agreement, Hold Harmless and Indemnification Agreement for American Plaza 3, LLC, Project #668
- 19-98 Authorizing the Chief Administrative Officer to Prepare Plans and Specifications, Advertise and Received bids for Two Channel Monsters

Chairman Mendez TABLED Resolution 19-95.

Chairman Mendez asked for a motion for Resolution 19-96, Commissioner Pernice moved, seconded by Chairman Mendez, the vote was as follows:

AYES:	Messrs. Mendez and Pernice
NAYS:	None
ABSTENTIONS:	Commissioner Rosen
ABSENT:	Commissioner McEnergy

Chairman Mendez asked for a motion for Resolution 19-97 Commissioner Rosen moved, seconded by Commissioner Pernice, the vote was as follows:

AYES:	Messrs. Mendez, Pernice and Rosen
NAYS:	None
ABSTENTIONS:	None
ABSENT:	Commissioner McEnery

Chairman Mendez asked for a motion for Resolution 19-98. Mr. Carr stated that the state requires every pump station to have a screening device before the pumps to take out debris. The Hawkins Road Pump Station has two channel Monsters which are grinders. They grind everything that goes into the station before it gets to the pumps. Chairman Mendez asked if jewelry can pass through. Mr. Carr stated that the jewelry would be gone. One has failed completely and the other one is about to fail. Chairman Mendez stated that this sounds pretty urgent. Mr. Carr stated that it is. Commissioner Rosen moved, seconded by Commissioner Pernice, the vote was as follows:

AYES:	Messrs. Mendez, Pernice and Rosen
NAYS:	None
ABSTENTIONS:	None
ABSENT:	Commissioner McEnery

Chairman Mendez asked if there were any comments on the bill list. Chairman Mendez asked for a motion on the bill list. Commissioner Pernice moved, seconded by Commissioner Rosen. All present voted aye.

Chairman Mendez asked if there was any other Authority Business.

Chairman Mendez stated that Ms. Leatherman will discuss the late addition to the Agenda, the Connection Fee Payment Plan:

19-100 Connection Fee Payment Plan, Project 690.

Ms. Leatherman stated that Mr. Orlando lives on Robertsville Road in Freehold and needs to connect to the sewer. He went to Freehold Township and paid a connection fee and they advised him to come here to the Authority to get a waiver for our fee. Ms. Leatherman stated that he has to pay the connection fee here as well. Mr. Orlando stated he cannot pay two connection fees up front and pay a plumber. The Commissioner's asked if Freehold can waive there connection fee. Ms. Leatherman stated that they have to pay two connection fees and it is the same concept as Bayshore however he must pay two *full* connection fees. Mr. Stankiewicz thought this was excessive but not his call. Ms. Leatherman stated that he must pay WMUA's connection fee and stated we can offer him a connection fee payment plan. The Commissioners asked if we can call Freehold Township to discuss the payment of two full connection fees. Chairman Mendez asked why Freehold Township would charge a connection fee at all. Mr. Carr stated that they own the pipes and pump station at Robertsville Road before it gets to us. Mr.

Stankiewicz stated that the biggest bulk of our connection fee is the treatment plant. Ms. Leatherman stated that Freehold should be charging less. Ms. Leatherman stated that we charge \$4,600.00 and Freehold charges \$4,600.00 and he has to pay a plumber \$5,000.00, before he can begin Mr. Orlando will have to lay out almost \$15,000.00. Mr. Stankiewicz stated that this was the exact genesis of the Bayshore plan. Commissioner Pernice stated that we should contact Freehold Township and discuss their fees and try and help this resident. We should absolutely offer this resident the connection fee payment plan but we should really talk to Freehold Township.

Chairman Mendez asked for a motion for Resolution 19-100. Commissioner Rosen moved, seconded by Commissioner Pernice, all present voted aye.

Commissioner Pernice stated that Marlboro Day is September 8, 2019.

At 7:35PM, Chairman Mendez asked for a motion for Resolution 19-99; Authorizing the Commissioners to go into Closed Session and they *will not* return to Public Session. Commissioner Pernice moved, seconded by Commissioner Rosen. All present voted aye.

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