

**TOWNSHIP OF HILLSBOROUGH MUNICIPAL UTILITIES AUTHORITY
MEETING MINUTES
WEDNESDAY – APRIL 28, 2021**

The Township of Hillsborough Municipal Utilities Authority held a scheduled meeting that began at approximately at 6:00 PM on Wednesday, April 28, 2021, with the following members present:

Michael Avolio
Robert McCray
Richard Nunn
Frank Scarantino

Also present were Authority Executive Director Robert A. Hough, P.E. and Peter Cipparulo, III, Esq., General Counsel. Mr. Robert Damiano was noted as absent. Also absent was Pam Borek.

Mr. Hough prepared these meeting minutes.

ANNOUNCEMENT – Open Public Meetings Act

Following the roll call, Chairman Avolio made the following announcement: In accordance with the provisions of the Open Public Meetings, Act, P.L 1975, c. 231, as amended, notice of this meeting was duly provided on March 3, 2021.

APPROVAL OF MINUTES

March 24, 2021 Meeting Minutes - Motion to approve by Mr. Nunn, second by Mr. McCray and the roll call vote was: Chairman Avolio -yes, Mr. McCray – yes, Mr. Nunn – yes and Mr. Scarantino – yes.

BUSINESS FROM THE FLOOR

None at this time

CORRESPONDENCE

None at this time

BOND COUNSEL INTRODUCTION

Robert Beinfield, Esq. joined the meeting, via Zoom, to introduce / re-introduce himself to the Board members. Mr. Beinfield previously served as TTHMUA Bond Counsel. Due to future capital project financing needs, Mr. Beinfield was appointed Bond Counsel by the Board at this year's reorganization meeting.

Mr. Beinfield introduced himself and discussed his background and previous work with TTHMUA.

Mr. Beinfield discussed TTHMUA future projects, current financing options, the NJDEP Infrastructure Financing Program (I – Bank) and the use of existing TTHMUA capital. At this time, it is anticipated that TTHMUA will try to finance the Sunnymeade Pump Station project through the NJDEP I – Bank and use existing capital for projects such as the Blackwell’s Mills Pump Station replacement project.

Mr. Beinfield received and responded to several questions from the Board members.

The Board members and Mr. Beinfield thanked each other for their time. Mr. Beinfield left the meeting at approximately 6:40 pm.

MATTERS FOR CONSIDERATION

RESOLUTION # 21-0428-1 - Resolution Authorizing Approval of a Sanitary Sewer Connection for Heritage Business Campus (Block 143, Lot 12.01 in the Township of Hillsborough)

WHEREAS, Heritage Business Campus, LLC, P.O. Box 235, Rockaway, New Jersey 07866 has requested a sanitary sewer connection for the project known as Heritage Business Campus located on Block 143, Lot 12.01 in the Township of Hillsborough, Somerset County, New Jersey; and

WHEREAS, the requested wastewater flow from the proposed project, a 54,600 square foot flew warehouse, is 2,225 gallons per day (GPD); and

WHEREAS, the connection of the proposed development will be via a gravity sewer; and

WHEREAS, plans entitled “Preliminary / Final Major Site Plan, Heritage Business Campus, Block 143, Lot 12.01, Township of Hillsborough, Somerset County, New Jersey” prepared by David A. Stires Associates, LLC, 678 US Highway 202/206 N, Suite 6, Bridgewater, New Jersey 08807, dated 8/15/2019, last revised 9/1/2020 has been reviewed by the Township of Hillsborough Municipal Utilities Authority staff.

NOW, THEREFORE, BE IT RESOLVED by the Township of Hillsborough Municipal Utilities Authority that this sanitary sewer connection be approved subject to the following conditions:

1. TTHMUA review memo of March 30, 2021.
- 2.. Approval of the Somerset Raritan Valley Sewerage Authority and the New Jersey Department of Environmental Protection (if necessary).
3. As-built plans of the sanitary sewer connection shall be prepared by the applicant’s engineer. Two (2) sets shall be provided to the Authority in reproducible form on mylar.

4. Performance Bond and inspection fees in the amounts established by the Authority shall be provided to the Township of Hillsborough Municipal Utilities Authority for the proposed sewerage facilities prior to construction, as may be applicable.
5. Maintenance Bond in the amount and form required by the Township of Hillsborough Municipal Utilities Authority shall be provided to the Authority for a period of up to two (2) years from the date of release of the Performance Bond, as may be applicable.
6. Conveyance of all applicable sanitary sewer easements to the Township of Hillsborough Municipal Utilities Authority, as may be applicable.
7. All on-site sanitary sewer facilities such as sewer mains and force mains, laterals and connections shall be the responsibility of the owner.
8. Approval shall remain in effect for a period of two (2) years, at which time, if construction of the facilities has not been initiated, re-approval will be required.

BE IT FURTHER RESOLVED that this project be forwarded to the Somerset Raritan Valley Sewerage Authority and the New Jersey Department of Environmental Protection (if necessary) for approval and the Executive Director be authorized to execute applications required in connection with said submittal.

The motion and resolution were introduced by Mr. Richard Nunn, seconded by Mr. Frank Scarantino, and all present voted in favor.

RESOLUTION # 21-0428-2 – Resolution Authorizing Reduction of Existing Letter of Credit to Thirty Percent (30%) of Original Amount for Gateway at Royce Brook – Section # 7

WHEREAS, the Township of Hillsborough Municipal Utilities Authority (TTHMUA) passed a resolution on May 25, 2011 approving an application for the development known as Gateway at Royce Brook, Block 140, Lot 1 and Block 141, Lots 2.01 and 7.01, in the Township of Hillsborough, Somerset County, New Jersey; and

WHEREAS, on January 2, 2019, Gateway Associates of Hillsborough, LLC provided TTHMUA with a Letter of Credit 179 from Two Rivers Community Bank dated January 2, 2011 in the amount of \$298,205.00 in lieu of a Performance Bond for Section # 7; and

WHEREAS, Gateway Associates of Hillsborough, LLC has requested that since the sanitary sewer work in the above stated section has been completed that the Letter of Credit provided to TTHMUA be reduced to Thirty Percent (30%) of the original amount; and

WHEREAS, TTHMUA staff has reviewed this request, inspected the project, found all work in Section # 7 to be complete and recommends that the Letter of Credit be reduced to Thirty Percent (30%) of the original amount or \$89,461.50.

NOW, THEREFORE, BE IT RESOLVED, that the Letter of Credit 179 from Two Rivers Community Bank dated January 2, 2019 for the project known as Gateway at Royce Brook, Section # 7 in the amount of \$298,205.00 be reduced to Thirty Percent (30%) or \$89,461.50.

The motion and resolution were introduced by Mr. Frank Scarantino, seconded by Mr. Richard Nunn, and all present voted in favor.

RESOLUTION # 21-0428-3 - Resolution Authorizing Approval of a Sanitary Sewer Extension for RPM Development Group for the Sherman Tract – Phase I, Block 86, Lot 21 in the Township of Hillsborough

WHEREAS, RPM Development Group, LLC, 77 Park Street, Montclair, New Jersey has requested a sanitary sewer extension for the project known as Sherman Tract – Phase I located on Block 86, Lot 21 in the Township of Hillsborough, Somerset County, New Jersey; and

WHEREAS, the proposed project consists of 13 residential buildings consisting of 88 units (10 are 1-bedroom units, 52 are 2-bedroom units and 26 are 3-bedroom units) and one community building; and

WHEREAS, the requested wastewater flow from the proposed development is 21,160 gallons per day (GPD); and

WHEREAS, the connection of the proposed development will be via a gravity sewer; and

WHEREAS, plans entitled “Preliminary / Final Major Site Plan & Subdivision, Block 86, Lot 21, Sherman Tract – Phase I, Situated in Township of Hillsborough, Somerset County, New Jersey” prepared by MidAtlantic Engineering Partners, LLC, dated 5/28/2019, last revised 4/6/2021 has been reviewed by the Township of Hillsborough Municipal Utilities Authority staff.

NOW, THEREFORE, BE IT RESOLVED by the Township of Hillsborough Municipal Utilities Authority that this sanitary sewer connection be approved subject to the following conditions:

1. TTHMUA review memo of April 22, 2021.
- 2.. Approval of the Somerset Raritan Valley Sewerage Authority and the New Jersey Department of Environmental Protection.
3. As-built plans of the sanitary sewer connection shall be prepared by the applicant’s engineer. Two (2) sets shall be provided to the Authority in reproducible form on mylar.

4. Performance Bond and inspection fees in the amounts established by the Authority shall be provided to the Township of Hillsborough Municipal Utilities Authority for the proposed sewerage facilities prior to construction, as may be applicable.
5. Maintenance Bond in the amount and form required by the Township of Hillsborough Municipal Utilities Authority shall be provided to the Authority for a period of up to two (2) years from the date of release of the Performance Bond, as may be applicable.
6. Conveyance of all applicable sanitary sewer easements to the Township of Hillsborough Municipal Utilities Authority, as may be applicable.
7. All on-site sanitary sewer facilities such as sewer mains and force mains, laterals and connections shall be the responsibility of the owner.
8. Approval shall remain in effect for a period of two (2) years, at which time, if construction of the facilities has not been initiated, re-approval will be required.

BE IT FURTHER RESOLVED that this project be forwarded to the Somerset Raritan Valley Sewerage Authority and the New Jersey Department of Environmental Protection for approval and the Executive Director be authorized to execute applications required in connection with said submittal.

The motion and resolution were introduced by Mr. Frank Scarantino, seconded by Mr. Robert McCray, and all present voted in favor.

RESOLUTION # 21-0428-4 - Resolution Authorizing Approval of a Sanitary Sewer Extension for Northeast Developers for the Proposed Subdivision at Zenk Court, Block 149.08, Lots 91.02, 91.03 & 91.04 (Formerly Lot 91) in the Township of Hillsborough

WHEREAS, Northeast Developers, Inc., 737 New Durham Road, Edison, New Jersey 08817 has requested a sanitary sewer extension for the project known as Proposed Subdivision at Zenk Court located on Block 149.08, Lots 91.02, 91.03 & 91.04 (Formerly Lot 91) in the Township of Hillsborough, Somerset County, New Jersey; and

WHEREAS, the requested wastewater flow from the proposed project, a subdivision resulting in three (3) new single-family lots, is 900 gallons per day (GPD); and

WHEREAS, the connection of the proposed development will be via a gravity sewer; and

WHEREAS, plans entitled "Preliminary Major Subdivision for Northeast Developers, Block 149.08, Lot 91, Township of Hillsborough, Somerset County, New Jersey" prepared by Grotto Engineering Associates, LLC, Cranford, New Jersey dated 3/2/2005, last revised 6/28/2006 has been reviewed by the Township of Hillsborough Municipal Utilities Authority staff.

NOW, THEREFORE, BE IT RESOLVED by the Township of Hillsborough Municipal Utilities Authority that this sanitary sewer connection be approved subject to the following conditions:

1. TTHMUA review memo of April 20, 2021.
- 2.. Approval of the Somerset Raritan Valley Sewerage Authority and the New Jersey Department of Environmental Protection.
3. As-built plans of the sanitary sewer connection shall be prepared by the applicant's engineer. Two (2) sets shall be provided to the Authority in reproducible form on mylar.
4. Performance Bond and inspection fees in the amounts established by the Authority shall be provided to the Township of Hillsborough Municipal Utilities Authority for the proposed sewerage facilities prior to construction, as may be applicable.
5. Maintenance Bond in the amount and form required by the Township of Hillsborough Municipal Utilities Authority shall be provided to the Authority for a period of up to two (2) years from the date of release of the Performance Bond, as may be applicable.
6. Conveyance of all applicable sanitary sewer easements to the Township of Hillsborough Municipal Utilities Authority, as may be applicable.
7. All on-site sanitary sewer facilities such as sewer mains and force mains, laterals and connections shall be the responsibility of the owner.
8. Approval shall remain in effect for a period of two (2) years, at which time, if construction of the facilities has not been initiated, re-approval will be required.

BE IT FURTHER RESOLVED that this project be forwarded to the Somerset Raritan Valley Sewerage Authority and the New Jersey Department of Environmental Protection for approval and the Executive Director be authorized to execute applications required in connection with said submittal.

The motion and resolution were introduced by Mr. Robert McCray, seconded by Mr. Richard Nunn, and all present voted in favor.

RESOLUTION # 21-0428-5 – Resolution Authorizing Execution of an Agreement with the Morris County Cooperative Pricing Council to Renew Membership therein for the Period of October 1, 2021 through September 30, 2026

WHEREAS, the Morris County Cooperative Pricing Council (MCCPC) was created in 1974 to conduct a voluntary cooperative pricing system with municipalities, boards of education, and other public bodies located in the County of Morris and adjoining counties; and

WHEREAS, the purpose of the MCCPC is to provide substantial savings on various goods and services to its members through the cooperative public bidding process; and

WHEREAS, The Township of Hillsborough Municipal Utilities Authority (TTHMUA) desires to enter into an Agreement with the MCCPC, which is administered by Randolph Township as Lead Agency, to renew its membership in the MCCPC for the period of October 1, 2021 through September 30, 2026.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP OF HILLSBOROUGH MUNICIPAL UTILITIES AUTHORITY (TTHMUA), COUNTY OF SOMERSET, STATE OF NEW JERSEY AS FOLLOWS:

1. The Board of The Township of Hillsborough Municipal Utilities Authority (TTHMUA) hereby authorizes the execution of an Agreement with the Morris County Cooperative Pricing Council by the Township of Randolph as Lead Agency dated October 1, 2021 pursuant to N.J.S.A. 40A:11-11(5). Said Agreement is for renewal of membership in the MCCPC for a five (5) year period from October 1, 2021 through September 30, 2026.
2. TTHMUA Executive Director is hereby directed to submit a copy of this adopted Resolution, along with an executed Agreement, to Randolph Township as Lead Agency of the MCCPC.
3. This Resolution shall take effect immediately upon final passage according to law.
4. All appropriate TTHMUA officials are authorized and directed to perform all required acts to affect the purpose of this Resolution.

The motion and resolution were introduced by Mr. Richard Nunn, seconded by Mr. Robert McCray, and all present voted in favor.

RESOLUTION # 21-0428-6 – Resolution Acknowledging the Receipt of a New Jersey Municipal Authorities Joint Insurance Fund Safety Incentive Program Safety Award for 2020 and Granting the Staff a Safety Day (a Personal Day for Each Employee)

WHEREAS, the Township of Hillsborough Municipal Utilities Authority (TTHMUA) has obtained a perfect score in the New Jersey Municipal Authorities Joint Insurance Fund Safety Incentive Program for 2020 and completed 2020 without a lost time accident.

NOW, THEREFORE, BE IT RESOLVED, that in recognition of the above stated Safety Award and accomplishment, the staff of TTHMUA is congratulated on this accomplishment and be awarded a Safety Day to be utilized as a personal day with the current year.

The motion and resolution were introduced by Mr. Frank Scarantino, seconded by Mr. Robert McCray, and all present voted in favor.

DISCUSSION

Administrative Offices – 220 Triangle Road – Lease Agreement

Mr. Hough reported that the existing lease Agreement for TTHMUA Administrative Offices at 220 Triangle Road, Suites 233 and 234 (approximately 2,750 rentable square feet), expires on September 30, 2021. Recently, he had discussions with Jeremy Schall, Atlantic Realty Development Corp. (Atlantic), concerning a renewal of the Lease. Atlantic has provided a draft ten (10) year renewal Lease. The current monthly rent is \$5,060.00. They are requesting a 10% increase effective at the beginning of the extension (October 1, 2021), thus a new monthly rent of \$5,566.00, and then a second 10% increase at the beginning of Year 6, which would result in a monthly rent of \$6,122.60 for the remainder of the Lease.

TTHMUA has requested various improvements to the office space, specifically, painting of the space, cleaning of the carpet with future replacement, and the cleaning of the kitchen and bathroom floors with possible future replacement. In addition, the light and fan fixtures in each bathroom required replacement and upgrade and that work has already been completed.

Mr. Hough stated that the current Lease extension occurred in 2016 and the rent increase at that time was 15%, from \$4,400.00 per month to the current \$5,060.00 per month.

At this time, the Board requested that Mr. Cipparulo review the draft Lease Agreement. In addition, Mr. Hough was directed to “hold” on proceeding at this time, as the Board wishes to further discuss the draft Lease and possibly explore other office space options.

Sunnymeade Pump Station and Force Main Project

- Design / Easement Update
- Copart Update
- Green Acres Update

- Norfolk Southern Railway Company Agreement
- Flow Meter Installation – Pump Station Design Flows

Mr. Hough reported that the proposed agreement has been received from Norfolk Southern Railroad (NSR) for crossing their facilities. The agreement requires a License Fee of \$37,000.00 to occupy their right-of-way. The Agreement has been reviewed by staff and the Authority's Attorney. Payment of the Fee is on this month's bill list.

With respect to Green Acres, Green Acres has indicated that they would allow additional staging area in the open space of the park in lieu of tree disturbance in the wooded area. VNHA has reviewed the proposed area of disturbance and has been able to reduce the area of disturbance. VNHA has submitted additional information to Green Acres, and this is currently being reviewed.

Mr. Hough reminded the Board that the Santos connection is feasible, however, the Board remains concerned that allowing a connection into a force main could / would set an unwanted precedent. Staff will explore other means on servicing that property. There is no further update at this time.

As previously reported, VNHA has completed work associated with a modification request to the existing wetlands permit at the pump station site. Staff reviewed and signed the modification application and same was submitted to the NJDEP and the submission is still under review.

TTHMUA continues to receive easement plans from VNHA and are reviewing same. Mr. Cipparulo and staff have been reviewing the easements and preparing the appropriate agreement documents to present to the property owners.

On April 6, 2021, Mr. Hough met with Tom Belanger to review the current status of the project. There are no Township related issues at this time.

All three (3) flowmeters are currently installed and working. Data is being collected.

Blackwell's Mills Pump Station Replacement

H2M Associates continues to work on the design of the project. TTHMUA staff has received the contract documents for review. TTHMUA staff continues to review the design documents and work with H2M on completing the project design.

There was a brief discussion concerning the funding of this project. At this time, it is the intent of TTHMUA to fund this project with current resources.

Rohill Pump Station - Generator and Automatic Transfer Switch (ATS) replacement

Mr. Hough reported that the new generator and automatic transfer switch have been delivered to GenServe. GenServe has prepared the equipment for installation. TTHMUA staff has been

working with GenServe to obtain all necessary building and subcode approvals / permits for the installation. An installation date is pending the final approvals / permits.

2021 Summary Will Serve Letters & Sewer Connection Letters

Two (2) projects added.

2021 Summary Sewer Connection Letters

Three (3) projects added.

COMMITTEE REPORTS

Engineering / Facilities – No further report.

Finance – No further report.

I/I and GIS – Staff members continue moving forward with GIS. Mr. Hough advised that staff had not been available to meet but would arrange a meeting with Mr. McCray and Mr. Nunn to review and observe the progress being made with GIS. Staff continues to walk easements and evaluate the work / clearing to be done this spring and summer.

Personnel – Following up on the discussion at the March board meeting, there was further discussion concerning CDL licenses and any compensation when a new hire, hired without a CDL, obtains their CDL. Having a valid CDL is a requirement for employment for all field crew members. In summary, it was determined by the Board that a new hire would be provided six (6) months to obtain a CDL. If a CDL is not obtained with 6 months, and there was no just reason, said employee would be terminated unless there was a need to maintain a field member without said CDL. As an additional incentive, the new hire could be hired at a salary less than the starting salary with a CDL and have their salary increased upon successfully obtaining a CDL.

Also discussed was possible additional compensation for obtaining / holding a wastewater collection system license. In summary, it was the position of the Board that any compensation in the future for employees obtaining or holding a wastewater collection system license would be via a stipend. TTHMUA will pay for successfully completed classes required to obtain a license, testing fees for successfully passed tests, renewal fees and for successful passed classes required to maintain a licensed. TTHMUA will not be responsible for tracking the status of an employee's license. Should an employee's license lapse, TTHMUA will no longer provided the previously mentioned stipend, or any other fees or costs associate with re-obtaining and maintaining that employee's license. The amount of the stipend needs to be determined. Mr. Hough was directed by the Board to prepare wording for the employee handbook and to have Mr. Cipparulo review same.

SRVSA REPORT – no report.

CLAIMS LIST

- **Operating Fund** \$ 233,740.75
- **General Fund** \$ 117,105.78

Motion to approve the claims lists was made by Mr. Nunn, seconded by Mr. McCray the roll call vote was: Chairman Avolio -yes, Mr. McCray – yes, Mr. Nunn – yes, and Mr. Scarantino – yes.

RESOLUTION – CLOSED MEETING

There was no closed meeting.

ADJOURNMENT

Motion to adjourn was made at 7:05 pm by Mr. McCray, seconded by Mr. Scarantino and the regular meeting adjourned.