

**MINUTES
HARDYSTON TOWNSHIP
MUNICIPAL UTILITIES AUTHORITY
March 7, 2011**

The meeting of the Hardyston Township Municipal Utilities Authority was held on Monday, March 7, 2011, at the Municipal Building located at 149 Wheatsworth Road. Members present were Mr. Kievit, Mr. Cicerale, Mr. Verrilli and Mr. Kula, Mr. Marples. Also present were Mike Vreeland, Mark Hontz, Marianne Smith, and Bob Schultz.

Mr. Marples, new member of the HTMUA was introduced and will serve a four year term. His term as commissioner of the HTMUA will expire 1/31/16.

After salute to the flag, Mr. Kievit stated compliance with the Open Public Meetings Act.

Minutes: Minutes of the February 7, 2011 meeting will be presented at a later date.

OLD BUSINESS:

Indian Field:

Corrosion Control – Mike stated since last month price quotes were received from vendors for the analyzer. The lowest quote was received from Jaeger. This should be the last of the equipment to purchase. The vendor will then train Ron on the proper procedures and necessary regular maintenance.

Phase II As-Built Plans – Mike stated nothing has been received to date.

Phase III Conveyance – Mike stated nothing has been received to date.

Inactive Well #2 – Mike stated as required by our water allocation permit; Well #2 is not active and as such the state requires inspection by a master well driller and a certified report submitted to the NJDEP every year. An RFP was compiled and presented to Mark for his review. The lowest bidder is AC Schultes with a lump sum price of \$485.00. A proposal was received for \$600.00 and the third declined to submit. A recommendation to obtain services from AC Schultes was requested.

A MOTION was made by Verrilli seconded by Kula to accept the bid proposal from AC Schultes to perform an annual inactive well inspection located at Well #2 in the Indian Fields development for the lump sum amount of \$485.00. In favor: Kievit, Cicerale, Verrilli, Kula, and Marples.

Crystal Springs:

Ardleigh & Shotmeyer Housing Sections – Mike stated an issue arose on the 18th with a high level alarm at the pump station. There was a restriction block causing the alarm. A hauler was called out for the issue. Ron will calculate his time and an invoice will be generated for the hauler and Ron's time to be submitted to Crystal Springs.

There was an issue with the charging of the battery for the Generator at the new Well house. Once it was discovered, Ron was able to address the issue. There was a leak to the back flow preventer. Crystal Springs was contacted both times and the issues were taken care of.

Ron is seeing some excessive flow at the new pump station. Mike stated he will be working with Crystal Springs to address the I&I issues.

Ron reached out to the vendor for the Tannery Generator and it should be delivered shortly.

Mike stated if you recall the significant inflow issue at the sanitary manhole located at the back of the Oaks. Ron contacted Semerraro due to the 17 foot deep manhole which requires a confined space entry with special equipment. Upon inspection water was gushing out at approximately 50-60 gallons a minute. Holes were filled with the special epoxy grout. Another visit will be done to check on the issue. It looks like it will be a product that will work.

High Ridge Properties:

Civil Action – To be discussed in executive session.

A MOTION was made by Kula seconded by Verrilli to adjourn to executive session to discuss ongoing litigation as per our attorney's advice. Minutes of the executive session will be presented at a later time.

The meeting returned to regular session.

Payment Status – Gail stated for High Ridge Properties they are ten full and one partial quarter behind with interest calculated through February 28, 2011 for a total due of \$239,891.93. The Beaver Run Shopping Plaza is two full quarters behind with interest calculated through February 28, 2011 for a total of \$11,356.60.

Beaver Run Properties – Sewer Revocation – Mark stated at last month's meeting the placement of revocation was placed on the agenda for discussion at tonight's meeting. This is for the 9,650 gallons per day of sewer allocation for the Beaver Run Shopping Plaza which is not the same allocation which was purchased through Sussex Borough. This is allocation which came to this developer through Anton Pilz. It is the oldest allocation here and it is billed differently. This is the first time it has come this far

behind. It is two quarters behind. If it continues it becomes a liability to our rate payers as we have to pay SCMUA the portion of which is due. It may be of serious consideration to consider revocation at the next meeting on April 4, 2011 if payment is not received prior to then.

A MOTION was made by Verrilli seconded by Cicerale to place the revocation of the 9,650 gallons per day of sewer allocation for the Beaver Run Properties, LLC on the agenda for the April 4, 2011 regularly scheduled meeting if payment is not received prior. In favor: Kievit, Cicerale, Verrilli, Kula, and Marples.

A MOTION was made by Kula seconded by Cicerale The HTMUA hereby certifies that Beaver Run Shopping Center, LLC is indebted to the HTMUA in the amount of \$11,356.60 as of March 1, 2011 for non-payment of quarterly charges for sewer allocation. The HTMUA hereby requests that the Township of Hardyston impose a lien on Block 63, Lot 1.01, the real property owned by Beaver Run Shopping Center, LLC and benefited by the aforementioned sewer allocation in the amount of \$11, 356.60. In favor: Kievit, Cicerale, Verrilli, Kula, and Marples.

The meeting was opened for comments from the public.

Mr. Patrick Dwyer, Attorney for Beaver Run Shopping Properties, LLC. commented and questioned to confirm the motions which were just made for the revocation and certification of monies owed on the property for the purposes of a lien on the property. Mark Hontz clarified both. Mr. Dwyer stated as we know there is current litigation in process. He explained some details regarding the litigation. He requested a copy of the resolutions of both.

The meeting was closed to the public.

YMCA:

Mark stated the agreement was finally signed and recorded in the County Clerk's office.

Ridgefield Commons Emergency Interconnection:

Mike stated revised conveyance documents were received. Gail stated currently the escrow account has a negative balance in the amount of \$1,008.83. Mike stated until we receive additional funds no additional work will be completed. Discussion ensued regarding the appropriate parties to request additional escrow funds.

Mark Hontz recused himself from discussion.

North Church Technical Center

Marianne stated a very productive meeting was held with some of the owners of Park Drive and Roberta Hess. There is a real willingness by Mrs. Hess to assume the coverage

of the pump. We need a direction from a policy point of view how much the HTMUA is responsible for (e.g., the repairs, equipment). Mike stated the way it looks as of right now, Roberta Hess will be responsible for a certain dollar amount and then there are additional items which need to be taken care of which at that point a special assessment would be made to the property owners. There would be an interlocal agreement or such. All the owners agreed that something needs to be done.

New Business

Mike stated the NJDEP is having a hearing on the Wastewater Management Plan on the 15th. The county was contacted and the HTMUA is planning on attending. We want to see how they are going to deal with the Crystal Springs section. As of right now the county maps do not match the state maps for sewer service areas.

PAYMENT OF BILLS:

A MOTION was made by Verrilli and seconded by Kula to pay the bills as per the bill list. In favor: Kievit, Cicerale, Verrilli, Kula, and Marples.

CORRESPONDENCE:

A MOTION was made by Kula and seconded by Verrilli to accept the correspondence as presented. In favor: Kievit, Cicerale, Verrilli, Kula, and Marples.

OFFICER'S REPORTS:

Nothing at this time.

INTERLOCAL CONTRACTS:

Tabled for next meeting

PROFESSIONAL'S REPORTS:

Administrator – Nothing further

Operator – Nothing further

Billing Clerk – Gail stated second quarter billing was sent out today.

CFO – Not present

Accountant – Not present

Attorney – Nothing further

Engineer – Mike stated there were violations received from the NJDEP regarding sampling. It concerned areas in Crystal Springs which were not identified correctly by DEP. Ron has sent letters to correct the issue.

Mike and Marianne stated there have been recent violation letters from the NJDEP regarding capacity issue at Indian Fields. That was related to an old issue back in 2008 with a calculation issue. Ron had already responded to the issue and it seems that the water allocation department had not received our correspondence. There is no violation.

OPEN PUBLIC PORTION:

The meeting was opened to the public.

No comments were heard from the public. The meeting was closed to the public.

There being no further business, A MOTION to adjourn was made by Verrilli, meeting adjourned.

Respectfully submitted,

Gail Hensal
Recording Secretary

**Executive Session
HARDYSTON TOWNSHIP
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Mark updated the HTMUA on the pending litigation with High Ridge Properties. There are currently three motions pending with Judge Gannon. Mr. Dwyer responded to motions but not all. Requested to adjourn for April 1, 2011 as there is needed more time to answer the complaint as of today there has been no amendment to complaint.