

Minutes - March 8, 2021

The regular meeting of the Cinnaminson Sewerage Authority was held on March 8, 2021 via video conference due to the COVID-19 pandemic and commenced at 6:30 PM.

Chairman Robert O'Connor read the following:

OPEN PUBLIC MEETINGS ACT

N.J.S.A. 10:4-6 et seq.

Adequate notice of this meeting has been provided in accordance with the Open Public Meetings Act by;

- (a) prominently posting the Annual Notice of Meetings Resolution and maintaining such notice on a public bulletin board reserved for such or similar announcements.
- (b) by submitting the Annual Notice of Meetings Resolution for publication in the Burlington County Times, the Board's official newspaper, and the Courier Post, the Board's alternate official newspaper in February 2021 within seven days of the Board's reorganization meeting;
- (c) filing the Annual Notice of Meetings Resolution with the Clerk of the Township of Cinnaminson; and
- (d) mailing the Annual Notice of Meetings Resolution to any persons who shall have prepaid to receive such notice.

This statement shall be entered into the minutes.

(Meeting notice attached re: electronic format)

On roll call by the Secretary those present were Board Members: Robert O'Connor, Richard Stobel, John Conville and James Wujcik. Mr. O'Connor confirmed that Mr. Szymkowski would not be present.

Also in attendance were Kimberly Fitzpatrick, Administrator, Wayne D. Simpson, Authority Engineer, Bradford Smith, Authority Solicitor and Superintendent of Operations Kevin Kramer. Mr. Robert Fumo of The Presidential Center, 101 Rt. 130 S. was present from the public.

PUBLIC COMMENT

Mr. Robert Fumo, representative of The Presidential Center at 101 Rt. 130 S., was present and asked to comment. He reported that Matt Naisby from the Authority had stopped by and was asking about the number of units at the Presidential Center. Mr. Fumo stated that he was not familiar with the terminology used by the Authority regarding units so he asked Mr. Naisby to have Kim Fitzpatrick call him and he noted that she did. Mr. Fumo said he is aware that sewer billing is associated with water consumption and he confirmed that the water

company has changed the meters there in the past. He stated that his meter numbers and his account numbers were not equivalent so he had a representative come out and Mr. Fumo walked the property with him and they identified each of the meters and their sizes. He stated that according to his Authority billing, all the meters are 5/8" or 3/4" and he reported that is not the case. He stated that the Grant Building has a 1" meter. He confirmed that he called Kim today to clarify that meter size. He stated that through the years, he has at times met with previous Administrators to make sure that the accounts and meters were in line and billed properly. He said in his files he found information from 2010 and 1995 with information on how he was being billed. He said he was present this evening to get a better understanding of what the Authority is trying to accomplish with regards to its position but also to make sure that he understands that his accounts are in order and he is being billed in a fair manner.

Mr. O'Connor asked about the number of buildings on the property and the number of water meters. Mr. Fumo stated there are seven buildings with eight sewer laterals. He said one of the buildings has two water lines and two sewer laterals as it was previously two buildings years ago. He said it was renovated and made to look like one building. Mr. Fumo said each building varies with regards to the number of restrooms, noting that some buildings have two, some have four and a minimal number have private bathrooms. He confirmed that he identified those in the past with previous Administrators.

Mr. O'Connor said he believes the Commissioners need to get more information from the Administrator on how the property is currently being billed. He said he believes the property may have been misclassified from what he was told and he wants to make sure the proper classification is put in place. From there, Mr. O'Connor said that the Authority will need to make sure that it is capturing all the usage and billing according to its Rules and Regulations. Mr. Fumo voiced his agreement. Mr. O'Connor asked Administrator Kim Fitzpatrick about how many bills the property is currently receiving. Kim confirmed that each building receives a bill so each building is its own account. Mr. O'Connor asked about the building with the two water lines and two laterals and Kim said she believes he is only receiving seven bills as each account is listed by building name. Kim confirmed that currently there are some buildings charged as one unit and others that are charged as two units. She explained that there is one bill but the billing code, number of units, is two. She stated that it multiplies per month cost as well as the water allowance by the number of units. She stated that currently, the buildings are all being billed as residential. Mr. O'Connor said he believed that all are in agreement that the buildings are not residential properties and said that will be an easy fix. He said he thinks the more complex issue has to do with the number of units each building should be billed for.

Mr. O'Connor asked Solicitor Brad Smith to comment based on his reading and interpretation of Authority Rules and Regulations, regarding an appropriate course of action moving forward. Mr. Smith confirmed with Kim Fitzpatrick that the issue is whether each unit in the building can be billed and Mr. Smith stated that Mr. Fumo needs to confirm the number of units in each building. Mr. Fumo stated the number varies per building but indicated he was unsure of the definition of a unit and asked for the definition. Mr. Smith stated that he does not know that it is defined in the Rules and Regulations. Mr. Fumo confirmed that there are eight laterals but if the Authority is referring to a unit as a tenant, a tenant may have 500 square feet but no lateral running from that space. Kim Fitzpatrick confirmed that the Rules and Regulations consider areas of different use as units within a building. Kim stated that the different kinds of business services were being defined as different units. Mr. O'Connor stated that to him the use seems to be professional services as the building is a professional services building and it should not matter whether there is a lawyer, an accountant, or a psychologist's office; they are all professional services. Mr. Fumo added that the building is zoned as BD (business district). He said that for each tenant that rents or leases space there, he is obligated to have the tenant complete a business registration form and a zoning permit and complete other information which is provided to the Clerk of the Township and the Zoning Officer who must either approve the use of that tenant or not.

Mr. O'Connor stated that he had a clearer understanding of the issue at hand and suggested to Mr. Fumo that the Board will require some further discussion and will get back to him. Mr. O'Connor asked if there were any further questions from Commissioners or the Solicitor. Solicitor Brad Smith confirmed with Mr. Fumo that some of the offices share a common restroom and do not have any fixtures at all. Mr. Fumo offered to give a tour of the building to any of the Board members who might be interested. Mr. O'Connor confirmed with Mr. Simpson that regardless of the number of professionals in a building or regardless of the number of bathrooms in that building, each meter would capture all of the usage that is coming into the Authority's system.

Mr. Simpson: That should be correct if the plumbing was correctly installed; yes.

Hearing no further questions from the Commissioners, Mr. O'Connor thanked Mr. Fumo for joining the meeting and stated that the Board would make a commitment to resolving the matter as quickly as possible. Mr. Fumo thanked the Board and left the meeting.

Mr. O'Connor asked if there were any other comments from the public and heard none. Mr. O'Connor stated that the Board will need to further discuss the valid points that Mr. Fumo presented and he

confirmed with Solicitor Brad Smith that the matter could be readdressed in an executive session.

OLD BUSINESS

Mr. O'Connor indicated there were minutes from the February 8, 2021 regular session meeting and he asked Solicitor Brad Smith if he had any suggested corrections. Mr. Smith indicated two suggested corrections.

Motion: Made by Mr. O'Connor and seconded by Mr. Conville to adopt the regular session minutes of February 8, 2021 with the corrections suggested by the Solicitor. Mr. O'Connor called for a voice vote.
Vote: All ayes

NEW BUSINESS

DIRECTOR OF CONSTRUCTION - FRANK SZYMKOWSKI

Mr. Szymkowski was not present. Mr. O'Connor asked Mr. Simpson to review his report.

Engineer's Status Report - Wayne D. Simpson

Mr. Simpson said there was very little to report on but noted that **Lidl Grocery Store (M-081-139)** and **Global - 1105 Route 130 (M-081-136)** are continuing the installation of sewer lines for their facilities.

Mr. Simpson said he had nothing further.

Mr. O'Connor asked if there were any questions for Mr. Simpson and hearing none, moved to Administration.

DIRECTOR OF ADMINISTRATION - JOHN CONVILLE

Mr. Conville asked Kim Fitzpatrick to provide an Administration update.

Kim said she wanted to provide an update regarding Daniels Law. She stated that Edmunds did update the software to allow for the removal of those covered by Daniels Law from the online system. She said that if a request is made, there is a button to click which will hide that rate payer from public view. She explained that it will, however, make it so that the rate payer cannot pay using the online payment system. She stated she will let any individuals who request this know that they can still sign up for the ACH Withdrawal payment option.

Kim confirmed that she will be attending the AEA Convention tomorrow virtually and is looking forward to it.

Lastly, Kim wanted to provide an update regarding Taylors Lane. Kim stated that she uploaded the revised connection notices for the non-residential and residential users. She also stated that she posted the list of all the properties involved with the Taylors Lane sewer extension and said she cross referenced it with the tax records. She confirmed that there are a total of 38 blocks and lots. She reported that 8 have connected and 5 are vacant. She stated that 10 of the lots are residential, 17 are commercial, 5 are industrial and there are a total of 25 blocks and lots with improved property on them (not vacant) that are not connected.

Mr. O'Connor confirmed that he read the letter and saw the list provided. He said there is no doubt that the properties need to get connected but given the pandemic, he thinks that giving a 30 day turn-around before a fine is imposed seems a bit aggressive. He suggested a longer time line to allow for connection before a penalty is imposed.

Mr. Smith stated that the statute calls for 30 days' notice. He said if the Board wants to extend it, the Board could say within 60 or 90 days. Mr. O'Connor said he feels that 90 days seems reasonable. Mr. Strobel said he was in agreement with Mr. O'Connor. Mr. Smith noted that 30 days is not a lot of time to arrange for the connection and getting it installed. Mr. O'Connor asked Mr. Simpson about the timeframe for the installation of a sewer lateral. Mr. Simpson stated that if someone reached out to a contractor now, they would have to wait for the contractor to become available, get a road opening permit and to mobilize and get out to the job. He also suggested that there will be 25 property owners looking for contractors. He said he believes 90 days is reasonable. Mr. O'Connor asked Solicitor Brad Smith if at the end of 90 days, it would be mandatory that the Authority fines; for instance, if an installation was scheduled for just after the deadline. Mr. Smith explained that the Authority would simply not file an action in municipal court for enforcement.

Kim Fitzpatrick asked about the residents who want to participate in the installment plan for the connection fee, specifically if the first installment payment would be due when they bring in their application, inspection and filing fees. There was a brief discussion and Kim confirmed that the office would be made aware of the connection as there would be an inspection of the connection by an Authority employee. There was further discussion regarding having the first installment connection payment due at the same time as the first sewer bill. Mr. Wujcik asked Kim if the residents are aware that the connection is required at this point in time and Kim confirmed that it is her understanding that letters were sent when the project started but said the Authority was unable to enforce the connection. Mr. Smith confirmed that the Authority had the authority to enforce the connection but did not have the ability to do so because the previous ordinance indicated that the notice had to come from the secretary of

the Board of Health and there is no Board of Health. Mr. Wujcik asked about the cost of connection. Kim confirmed that the Authority's connection fee for a residential connection is \$5,700.00 plus a \$100 review fee and a \$40 application fee. She stated that for a commercial connection, the fee is calculated by Alaimo and said there is a \$1,000.00 escrow held for engineer reviews and a \$40 application fee. Kim said she is unsure about the costs of construction. Mr. Simpson said it will cost several thousand dollars but the cost will vary depending on how far back the building is from the curb line. Mr. Wujcik voiced concerns regarding the timeframe in the notice in consideration of the costs to the property owners. Mr. Smith noted that the quarterly installment plan for the connection fee over the course of 5 years took the substantial cost into consideration. Mr. O'Connor asked Kim Fitzpatrick about the original notice that was provided to the property owners. Kim confirmed that a notice was sent out and Cindy has a file with a copy of the letter noting the date sent but Kim did not have a copy of that letter available at the meeting. Kim verified that one residential property has been sold in the interim. There was further discussion regarding sending letters with a copy of the ordinance and the timing of the letters, prior to sending a notice to connect describing the imposition of fines. All communications will be sent via both certified mail with return receipt and regular mail with proof of mailing. Mr. O'Connor also briefly discussed the possibility of some type of outreach to the property owners, possibly at the firehouse on Taylors Lane. Kim Fitzpatrick will edit the proposed notices and send them to Mr. Smith for review.

Mr. Smith asked Mr. Simpson about providing an estimate of the connection fees for the commercial properties if the Board wanted the information. Mr. Simpson said he prepared an estimate quite some time ago and could provide that information to the Board.

Mr. Conville confirmed he had nothing further for Administration.

DIRECTOR OF OPERATIONS - ROBERT O'CONNOR

Superintendent of Operations Report - Kevin Kramer

Operations: Plant operations are continuing to improve. Kevin stated that it was a wet month and a half between the snow and the rain and he needed to dose more polymer to keep the solids down as the Plant has been averaging almost 2 million gallons/day. He said the Plant is staying in compliance but it has been taking a lot more fine tuning/adjustments daily. He expects things to continue to improve as the flows start to drop off. He said there has been a dry stretch for almost 10 days and it looks like it will continue.

With the high flows, he wanted the Board to be aware that overtime has been up slightly. He said there were a few days with high flows where

he had to run shifts around the clock to be sure to keep the solids from washing out and violating the permit.

He said he was made aware of two DEP fines via email from Dave Stewart about three weeks ago. He noted that Mr. Stewart has been the Authority's DEP inspector for the last 15 years and is planning to retire. Kevin said Mr. Stewart is cleaning up some items that were missed over the last five years. The first item is from April 2016 for a missed oil and grease sample. Kevin said it is a parameter that must be sampled once a month and it is taken and sent out to a laboratory. He said there is generally no problem with oil and grease. Kevin reported that when he got the notice from Mr. Stewart, he looked on his calendar for that year because he was doing the sampling and always wrote down everything on the calendar that was to be sampled and when it was sent out. He said he had it written down to do but it was missed and apparently Mr. Stewart had missed it as well. He said the minimum fine of \$3,000.00 is being issued and explained that there is a max penalty of \$10,000.00 that could have been issued for this violation. He said that fine is being sent with a settlement agreement. Kevin reported the other fine coincidentally also has to do with oil and grease from February 2020. He reported that the Authority's sample went over the monthly average limit of 10 mg/l and the instant max of 15 mg/l. He said the sample received a result of 22.1 mg/l. He confirmed that he does not recall having any issues or seeing anything that would have caused a high sample. He suggested that going forward he will have the sample sent out the first week of the month so that if there is a high result, it can be sampled again to bring down the monthly average to within permit limits. He confirmed that this is the first time the Authority has violated an oil and grease parameter. The fine is for \$1,000.00. Kevin confirmed that there is an appeals process but after speaking with Mr. Stewart about it, it is Kevin's opinion that the Authority should pay the minimum fines assessed. Mr. O'Connor asked about a statute of limitations on the missed test and Mr. Simpson stated there is none. Mr. Smith asked Mr. Kramer to send him a copy of the settlement agreements for his review.

Safety: There were two quotes received for safety training for this year: one from Certified Health and Safety Services for \$5,396.00 and the other from Med-tex for \$5,550.00. Kevin confirmed that Certified Health and Safety Services has been doing the safety training for the Authority for about 15 years and he has been very pleased. Kevin noted that Mr. Harry Smith sold the company and Kevin confirmed that the new owner has done a great job with the training as they had him for several of the classes last year.

Other: Kevin reported that he is looking to purchase a new 2021 utility truck from Winner Ford for \$44,969.00 under a NJ state contract to replace the 2002 utility truck. He confirmed that he

included the specs for the truck with his report. He said he will look to list the old utility truck on Govdeals.com.

Mr. O'Connor indicated Resolution 2021/2022-9, Authorizing Purchase of a Pickup Truck through State Contract and made a **motion to adopt Resolution 2021/2022-9. Mr. Wujcik seconded the motion. Mr. O'Connor called for a voice vote. Vote: All ayes**

Lastly, Kevin asked for approval to get quotes to uncover the buried manhole on Branch Pike in order to have access in case of a main blockage. Kevin reminded the Board that the matter was discussed at a previous meeting and related to a manhole that was covered during paving many years ago. He noted that there were discussions with the County regarding the matter. Kevin confirmed he will get several quotes for the job and with the Board's approval, will talk further with the County to see about them covering or waiving the permit fee for opening the County road. Mr. O'Connor confirmed that he called and left a message some time ago with the County regarding the matter but never heard back. Kim Fitzpatrick asked if the work would be covered under Booth's contract and Mr. Simpson said it could be covered under Booth's contract. There was some further discussion.

Mr. Kramer confirmed he had nothing further to report. Mr. O'Connor asked about a memorializing resolution regarding Mr. Kramer's title change from Acting Superintendent to Superintendent of Operations. Mr. Smith confirmed that he had prepared the resolution and Kim stated she forgot to upload the file to the shared drive. Mr. Smith read Resolution 2021/2022-11, Appointment of Superintendent of Operations and Salary Adjustment into the record.

Motion: Made by Mr. O'Connor and seconded by Mr. Conville to adopt Resolution 2021/2022-11. Recorded vote taken by Secretary: Mr. O'Connor, Mr. Strobel, Mr. Conville and Mr. Wujcik - All ayes

Mr. O'Connor confirmed he had nothing further for discussion under Operations and moved to Personnel.

DIRECTOR OF PERSONNEL - RICHARD STROBEL

Mr. Strobel asked for an update from Kevin Kramer and Kim Fitzpatrick regarding COVID-19 and how the Authority is managing at the Plant and in the office. Mr. Strobel also mentioned that he was informed that there would be a plan in place in order to give vaccines to interested staff.

Mr. Kramer reported that over half of the staff has been vaccinated and stated that he has been helping employees with finding a vaccination site and getting registered when needed. He stated that some employees were eligible as they are volunteer firefighters and others were able to just get appointments on their own. He believes

about 80% of staff will be fully vaccinated by the end of April. He stated the staff has done an excellent job over the past year of taking necessary precautions and they are continuing to do so.

Kim reported that she has her first vaccine appointment scheduled for April 22 and will have her second a couple weeks later. She stated the Billing Clerk does not wish to get the vaccine. Kim stated that the Township building is cleaned regularly and she said they continue to clean common areas with disinfecting wipes within the office.

Mr. Strobel stated that due to a death in the family, he does not have anything to report regarding the other item on the agenda under Personnel. He said he will have it ready for next month. Mr. O'Connor confirmed that Resolution 2021/2022-10 would be tabled until the Director of Personnel and Vice Chairman has the opportunity to review the information that was sent to him. Mr. Strobel confirmed he had nothing further for discussion under Personnel.

TREASURER - JAMES WUJCIK

Mr. Wujcik stated that the general ledger, abbreviated expenditure report, check register and year-to-date revenue collected reports were circulated to the Board members and he finds them to be in good order. He said he and Kim had conversations about them and are tweaking some things. He reported that February collections were just a little over \$137,000 which is about 4% of anticipated budget and up \$400 on a monthly basis versus 2020.

Motion: Made by Mr. Wujcik and seconded by Mr. O'Connor to approve the Treasurer's Report and Trial Balance as submitted. Mr. O'Connor called for a voice vote. Vote: All ayes

Mr. Wujcik submitted a list of Operating Invoices & Payroll Expenses totaling \$233,727.12 and certified that funds are available.

Motion: Made by Mr. Wujcik and seconded by Mr. O'Connor to approve payment of Operating Invoices and Payroll Expenses as submitted. Mr. O'Connor called for a voice vote. Vote: All ayes

Mr. Wujcik submitted two invoices for Builder's Escrow totaling \$1,426.60 and certified that funds are available.

#203408 Global Cinnaminson	\$	1,329.10
#203407 Village at Cinnaminson Harbour	\$	97.50

Motion: Made by Mr. Wujcik and seconded by Mr. O'Connor to approve payment of the Builder's Escrow invoices as submitted. Mr. O'Connor called for a voice vote. Vote: All ayes

Mr. Wujcik stated there was one deletion from the month of February listed on the agenda in the amount of \$404.20. He noted that the matter was discussed at the previous meeting and confirmed with Mr. O'Connor that the customer was satisfied with the resolution.

Motion: Made by Mr. Wujcik and seconded by Mr. O'Connor to approve the deletion as submitted and to credit the customer's account. Mr. O'Connor called for a voice vote. Vote: All ayes

Mr. O'Connor asked if there were any further matters for discussion and heard none.

Motion: Made by Mr. Strobel and seconded by Mr. Conville to authorize a resolution to enter into an executive session to discuss matters of potential litigation, results to be disclosed when no longer prejudicial to the interests of the Authority. The motion includes a provision that the Board will adjourn this meeting unless there is a need to take formal action, in which case the Board will reconvene within 30 minutes. Voice vote: All ayes Time: 7:56 PM

The meeting was adjourned at 8:38 PM.

Next scheduled meeting - Monday, April 12, 2021 at 6:30 PM

NOTICE OF ANNUAL SCHEDULED MEETINGS
CINNAMINSON SEWERAGE AUTHORITY

The Cinnaminson Sewerage Authority, in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., as amended by A-3850, and in consideration of Executive Orders No. 103 and 107, issued by Governor Murphy on March 9 and 21, 2020 respectively, declaring a State of Emergency and a Public Health Emergency in the State of New Jersey, the CINNAMINSON SEWERAGE AUTHORITY does hereby notify the public that to protect the health, safety and welfare of our citizens while ensuring the continued functioning of the authority, all Cinnaminson Sewerage Authority meetings will be held electronically until further notice. Members of the public who wish to participate in the meetings electronically should follow the instructions at:

<https://www.cinnaminsonsewerage.org/documents/>. Individuals will be able to fully participate in the meeting, including providing public comment. Formal action may be taken at such meetings on any and all business involving the Cinnaminson Sewerage Authority.

All such meetings to be held at 6:30 PM (Prevailing Time) on the following dates:

Monday, March 8, 2021 6:30 PM
Monday, April 12, 2021 6:30 PM
Monday, May 10, 2021 6:30 PM
Monday, June 14, 2021 6:30 PM
Monday, July 12, 2021 6:30 PM
Monday, August 9, 2021 6:30 PM
Monday, September 13, 2021 6:30 PM
Thursday, October 14, 2021 6:30 PM
Monday, November 8, 2021 6:30 PM
Monday, December 13, 2021 6:30 PM
Monday, January 10, 2022 6:30 PM
Monday, February 14, 2022 6:30 PM

Kimberly Fitzpatrick, Administrator