

The regular meeting of the Eatontown Sewerage Authority was held at 5:00 P.M. on October 12, 2021 in the Borough Hall, 47 Broad Street, Eatontown, New Jersey. The Chairman, Brian Charnick, called the meeting to order by making the following statement: "This is a regular meeting of the Eatontown Sewerage Authority made pursuant to Chapter 291 of the Public Meeting Act by declaring notice thereof at least 48 hours prior to this meeting to The Link News and to the Borough Clerk. Notice has also been posted in the public corridor of this Borough Hall and posted to the Authority website."

ROLL CALL

MEMBERS PRESENT: Brian Charnick
Herman Redd
Kenneth East

ALSO PRESENT: Ted Lewis, Executive Director
Stephen Schreiber, Engineer
John Bonello, Attorney
Herb Volner, Superintendent
Michelle Hu, Treasurer
Gloria Aderton, Assistant Treasurer
Lori Flynn, Office Clerk

MEMBERS ABSENT: Peter Berkley
Jeanna Migliaccio

ALSO ABSENT: None

CITIZENS PRESENT: None

APPROVAL OF MINUTES

Mr. Charnick moved to approve the minutes of the regular meeting held on September 14, 2021. The motion was seconded by Mr. Redd and adopted on a unanimous voice vote.

REPORTS OF COMMITTEES, MEMBERS, & ENGINEER

Engineering Committee

There was no committee report.

Executive Director's Report *

Mr. Lewis presented the Executive Director's report with the following additions:

- **Old Orchard Pump Station**

The project has been put out to bid with the bid opening scheduled for October 27, 2021 at 10am at Borough Hall.

- **Sun Eagles**

The proposed agreement prepared by Two Rivers was recently received and there has not yet been sufficient time for an in-depth review by Mr. Lewis and the Authority's attorney. Mr. Schreiber has had a chance to review the proposal and feels that it is a fairly straight-forward proposal and offered to forward the comments

made by him and his colleagues regarding it. The developer will build the Parshall Flume and then it will be turned over to the Authority for maintenance. The flow measured by the meter will be deducted from Tinton Falls total flow and passed on to the Authority for payment. The Authority will collect sewer fees from Sun Eagles based on the metered flow. Rather than hold off on a decision regarding the proposal, Mr. Bonello suggested accepting it pending the approval of Mr. Lewis and the Authority's engineer and attorney.

Resolution to approve the proposal prepared by TRWRA regarding Sun Eagles pending the proposal's acceptance by the Authority's Executive Director, Engineer and Attorney was offered by Mr. Charnick, seconded by Mr. Redd, and adopted on the following roll call vote:

ROLL CALL

AFFIRMATIVE: Brian Charnick, Herman Redd, and Kenneth East

NEGATIVE: None

ABSTENTION: None

ABSENT: Peter Berkley and Jeanna Migliaccio

- **JCP&L Damage on Tinton Avenue**

Mr. Bonello said there has been some discussion regarding a settlement as JCP&L seems to realize that they were in the wrong as the sewer lines were marked prior to JCP&L installing the pole and breaking the lateral. The Authority is claiming approximately \$15,000 in damages from the cost to complete the emergency repair.

- **Borough Take Over**

Mr. Charnick called Mr. Lucia, the Borough's Acting Administrator, for a status update and he was under the impression that this was a done deal. Mr. Lucia is going to speak to the Borough's attorney and auditor to get further information.

Mr. Bonello requested the Board go into Executive Session at this time to discuss legal matters.

EXECUTIVE SESSION

A motion to go into Executive Session at 5:10 pm for the purpose of discussing legal matters was offered by Mr. Charnick, seconded by Mr. Redd, and adopted on a unanimous voice vote. Upon completion, the Executive Session was closed. No action was taken during the Executive Session which ended at 6:00 pm.

Attorney's Report

Mr. Bonello presented the Attorney's report with no additions.

Superintendent's Report *

Mr. Volner presented the Superintendent's report with the following additions:

- **Country Club Pump Station Pump Repairs**

Mr. Volner said that there are two pumps at Country Club pump station with electrical issues so the station is running on bypass. The electrician has one of the pumps at the shop for repair and will be picking up second pump for repairs soon.

- **A14 Reynolds Drive**

The lateral from cleanout to main needed to be replaced at 19 Reynolds Drive but the Authority's emergency contractor, North American Pipeline, refused to do the work as their contract has not yet been signed. Mr. Volner contacted Burke Construction as an alternate and they were able to replace the line on an emergency basis the next day.

Mr. Charnick asked if the Authority has overspent the emergency repair budget yet and Mr. Lewis said that it has not. Mrs. Hu noted that Martelli, the developer of Sun Eagles, has not yet paid their connection fee of approximately \$288,000. Mr. Lewis is going to contact the Borough to discuss the status of the developer's permits which should not be issued until sewer connection fees are paid. Martelli also needs to deposit \$17,000 into their escrow account to cover invoices from the Authority's engineer.

Engineer's Report *

Mr. Schreiber presented the Engineer's report with the following addition:

- **Wingstop Grease Trap Approval**

The developer submitted flow rates as requested and the Authority engineer recommends the project be approved.

Resolution to approve Wingstop's Grease Trap Application was offered by Mr. Charnick, seconded by Mr. Redd, and adopted on the following roll call vote:

ROLL CALL

AFFIRMATIVE: Brian Charnick, Herman Redd, and Kenneth East

NEGATIVE: None

ABSTENTION: None

ABSENT: Peter Berkley and Jeanna Migliaccio

PROGRESS OF PROJECTS

- **Old Orchard Pump Station Replacement**

Project is out to bid with a bid opening scheduled for October 27, 2021 at 10:00 am. There is a conference call scheduled with the developer to discuss their concerns with the location of the access easement and its impact on buildable lots.

UNFINISHED BUSINESS

- **75 Tinton Avenue Emergency Lateral Repair**

Status as noted previously in Executive Director's report.

- **Sun Eagles Golf Club Sewer Application**

Status as noted previously in Engineer's report.

- **Approval of Proposed Grease Trap for Wingstop**

Approved by resolution during Engineer's report.

NEW BUSINESS

- **Resolution #2021-10-01: Approving the Application of Brightview Eatontown, LLC for the Brightview Senior Living project, Highway 36 and Wyckoff Road, Block 2002, Lot 1 and 2**

Based on the Engineer's recommendation, the Board approves the application.

Resolution to approve the Application of Brightview Eatontown, LLC for the Brightview Senior Living Project was offered by Mr. Charnick, seconded by Mr. Redd, and adopted on the following roll call vote:

ROLL CALL

AFFIRMATIVE: Brian Charnick, Herman Redd, and Kenneth East

NEGATIVE: None

ABSTENTION: None

ABSENT: Peter Berkley and Jeanna Migliaccio

- **Resolution #2021-10-02: Approving the Application of Fidelity Eatontown, LLC for the Wawa Project, 141 Highway 35, Block 2303, Lot 1**

Based on the Engineer's recommendation, the Board approves the application.

Resolution to approve the Application of Fidelity Eatontown, LLC for the Wawa Project at 141 Highway 35 was offered by Mr. Charnick, seconded by Mr. Redd, and adopted on the following roll call vote:

ROLL CALL

AFFIRMATIVE: Brian Charnick, Herman Redd, and Kenneth East

NEGATIVE: None

ABSTENTION: None

ABSENT: Peter Berkley and Jeanna Migliaccio

- **Discussion Re: Granting a Waiver from the 1,000-gallon Sand and Oil Separator Requirement to Tesla at Eatontown**

Tesla has submitted calculations for the sand and oil separator based on plumbing code which results in a requirement for a 65-gallon unit and they are proposing to increase that to a 150-gallon unit. Tesla notes that their vehicles do not generate oil waste like internal combustion cars and that this separator is for a small wash area. The Board has concerns about the large difference between in size between the proposed unit and the one required by the Authority's rules and regulations. Mr. Bonello raised concerns about future capacity and how, if this waiver is granted, the Authority is locked into allowing the smaller unit even if the estimated flow increases or the wash area is expanded. Also, this unit is for a wash station and the surface area of electric cars is similar to that of internal combustion cars. Mr. Schreiber is going to speak to the developer to discuss the Board's concerns about future capacity and why the wash area is sized as it is in an effort to guide the Board's decision on the waiver.

- **Old Orchard Pump Station Proposal for Contract Administration and Construction Inspection Service**

The Authority's engineer has provided a proposal to manage the contract for the Old Orchard Pump Station project for a sum of \$77,000. The overall project cost is estimated to be approximately \$620,000 and Mr. Charnick noted that the general rule of thumb is 10% of overall cost. At the Board's request, Mr. Lewis and Mr. Schreiber will review the proposal and present it again next month.

- **By-Laws of the Eatontown Sewerage Authority**

Mr. Charnick presented a draft version of by-laws and has asked the members to review and submit commentary and changes for next meeting. Mr. Bonello noted that the by-laws should use the word “nominates” as opposed to “appoints” when describing the Chairman’s role during the annual reorganization meetings.

BILLS

Resolution to authorize paying the bills in the amount of \$36,950.12 as submitted from the operating account in Kearny Bank was offered by Mr. Charnick, seconded by Mr. Redd, and adopted on the following roll call vote:

ROLL CALL

AFFIRMATIVE: Brian Charnick, Herman Redd, and Kenneth East
 NEGATIVE: None
 ABSTENTION: None
 ABSENT: Peter Berkley and Jeanna Migliaccio

APPROVAL OF TRANSFERS FROM THE FOLLOWING ACCOUNTS

TD Revenue Trust to Kearny Bank Operating Account and Payroll Account:

(October 2021 Operating Expenses) \$ 36,950.12

(November 2021 Salaries) \$ 33,036.42

Total Transfers: \$ 69,986.54

Resolution to authorize the monthly transfers from the TD Bank revenue trust account to Kearny Bank operating account to pay the bills in the amount of \$36,950.12, and to Kearny Bank payroll account for the payroll of November 2021 in the amount of \$33,036.42, was offered by Mr. Charnick, seconded by Mr. Redd, and adopted on the following roll call vote:

ROLL CALL

AFFIRMATIVE: Brian Charnick, Herman Redd, and Kenneth East
 NEGATIVE: None
 ABSTENTION: None
 ABSENT: Peter Berkley and Jeanna Migliaccio

Resolution to authorize payment for capital improvements from the Kearny Bank operating account to T&M Associates in the amount of \$107.50 for work relating to the Old Orchard Pump Station Replacement; and to Cleary Giacobbe Alfieri Jacobs for work relating to the Old Orchard Pump Station Easement in the amount of \$1,854.00 for September legal fees was offered by Mr. Charnick, seconded by Mr. Redd, and adopted on the following roll call vote:

ROLL CALL

AFFIRMATIVE: Brian Charnick, Herman Redd, and Kenneth East
 NEGATIVE: None
 ABSTENTION: None
 ABSENT: Peter Berkley and Jeanna Migliaccio

ADJOURNMENT

With no further business to address, Mr. Charnick moved to adjourn the meeting at approximately 6:36 p.m.

Assistant Treasurer

**** All reports of Committees, Members & Engineer are available for the public to review in the Authority's office and can also be reviewed online.***