



HMUA MINUTES

REGULAR
MEETING OF

JUNE 13, 2023

ADMINISTRATION BUILDING
424 Hurley Drive
Hackettstown, NJ



REGULAR MEETING JUNE 13, 2023

JACOB GARABED ADMINISTRATION BUILDING & VIRTUAL MEETING

The meeting was called to order by Chairperson Lala at 3:30 P.M. in person and over teleconference to promote the necessary social distancing to avoid the spread of COVID-19 and other viruses. Executive Director Corcoran announced that adequate notice of this meeting has been given to the area press and the Town of Hackettstown, and the meeting shall be convened and conducted in accordance with the requirements of the Open Public Meetings Act.

Roll call indicated the following members in attendance: Lala, Jerry DiMaio (over teleconference); Harper and John DiMaio (in person).

Also attending: Counselor Talia Goffredo (over teleconference); Executive Director Corcoran, Deputy Executive Director Pizarro and Recording Secretary Lasch (in person).

Chairperson Lala led a salute of the United States Flag.

Chairperson Lala indicated approval of the minutes of the May 9, 2023 Regular Meeting to be the next agenda item. A motion to approve the minutes was made by Jerry DiMaio being seconded by Harper.

Ayes: Lala, Harper, Jerry DiMaio and John DiMaio

Chairperson Lala opened the meeting to public participation and noted that no members of the public announced their presence.

Chairperson Lala stated the next agenda item was discussion and possible action regarding any project change orders. Executive Director Corcoran stated there were no change orders.

Chairperson Lala stated the next agenda item was to entertain a resolution approving the Operations Expense Account Requisitions #OEA-1262 and #OEA-1263 in the total aggregate amount of \$361,332.89. The following Resolution #23-7779 was proposed by John DiMaio who moved its adoption:

Resolution #23-7779

BE IT RESOLVED, that the following Operations Expense Requisitions be formally approved:

Dated:	May 05, 2023	OEA-1262	SL-12	\$207,203.65
Dated:	May 19, 2023	OEA-1263	SL-13	<u>\$154,129.24</u>
		Total		\$361,332.89

The Resolution was seconded by Harper and upon roll call vote carried:

Ayes: Lala, Harper, Jerry DiMaio and John DiMaio

Chairperson Lala stated the next agenda item was to entertain a resolution approving Renewal & Replacement Fund Requisition #RR-306 in the aggregate amount of \$10,219.00. The following Resolution #23-7780 was proposed by Jerry DiMaio who moved its adoption.



Resolution #23-7780

BE IT RESOLVED, that the following Renewal and Replacement Fund Requisition #RR-306 be formally approved:

REQUISITION #RR-306

TGM Services	Work Completed at WPCP	<u>10,219.00</u>
	Total	\$ 10,219.00

The Resolution was seconded by John DiMaio and upon roll call vote carried:

Ayes: Lala, Harper, Jerry DiMaio and John DiMaio

Chairperson Lala stated the next agenda item was to entertain a resolution approving General Fund Requisition #GF-30 in the aggregate amount of \$522,436.05. The following Resolution #23-7781 was proposed by Harper who moved its adoption.

Resolution #23-7781

REQUISITION #GF-30

Township of Independence	1.0 MG Tank – Escrow Deposit	\$ 3,000.00
Foley Incorporated	WFP Generator Delivery/Start Up	\$ 114,352.55
Jet Vac Equipment	New Jet Vac	\$ 398,000.00
Mott MacDonald	1.0 MG Tank & LSL Project	\$ 6,885.50
Richard Grubb & Associates	1.0 MG Tank-Project	<u>\$ 198.00</u>
	Total	\$ 522,436.05

This Resolution was seconded by Jerry DiMaio and upon roll call vote carried:

Ayes: Lala, Harper, Jerry DiMaio and John DiMaio

Chairperson Lala stated the next agenda item was to entertain a Resolution approving Escrow Subaccount Requisition #ESR-337 in the amount of \$4,731.50. The following Resolution #23-7782 was proposed by John DiMaio who moved its adoption.

Resolution #23-7782

BE IT RESOLVED, that the following Escrow Subaccount Requisition #ESR-337 be formally approved:

REQUISITION #ESR-337

Hackettstown MUA	Jade-Suburban Testing Labs	\$ 28.00
Mott MacDonald	Jade Hackettstown Associates	\$ 2,703.00
Mott MacDonald	Lion Gate at Musconetcong	\$ 620.50
Mott MacDonald	Mansfield Development LLC	<u>\$ 1,380.00</u>
	Total	\$ 4,731.50

This Resolution was seconded by Harper and upon roll call vote carried:

Ayes: Lala, Harper, Jerry DiMaio and John DiMaio



Chairperson Lala stated the next agenda item was discussion and possible action to entertain a resolution to call upon NJ's US Senators to join in sponsoring the "Water Systems PFAS Liability Protection Act". After a brief discussion, the following Resolution #23-7783 was proposed by Harper who moved its adoption.

Resolution #23-7783

WHEREAS, the Mission of the Hackettstown Municipal Utilities Authority is to serve the people that live, work and visit our community, by providing the highest quality drinking water and efficient practices and effective planning to maintain our infrastructure and safeguard public health while imposing minimal impact on the environment; and

WHEREAS, PFAS substances are a threat to human health and the environment; and

WHEREAS, Hackettstown Municipal Utilities Authority is ready and willing to do its part to remove PFAS substances from systems to protect public health and the environment; and

WHEREAS, Hackettstown Municipal Utilities Authority is responsible to protect the interests of its ratepayers; and

WHEREAS, the U.S. Environmental Protection Agency (EPA) proposes to designate certain per- and polyfluoroalkyl substances (PFAS) as hazardous substances under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA; a.k.a., Superfund Act); and

WHEREAS, under a broad definition of CERCLA, public and private drinking water utilities, wastewater agencies (POTW), stormwater utilities, and biosolids management programs are potentially subject to CERCLA with regard to PFAS; and

WHEREAS, public and private drinking water utilities, wastewater agencies (POTW), stormwater utilities, and biosolids management programs are not polluters. They are passive receivers of PFAS substances and do not manufacture, use, or originate the PFAS substances; and

WHEREAS, CERCLA was enacted to hold polluters responsible for environmental cleanups; and

WHEREAS, being subject to such a CERCLA designation would ensnare public and private drinking water utilities, wastewater agencies (POTW), stormwater utilities, and biosolids management programs in endless litigation at the expense of taxpayers and ratepayers; and

WHEREAS, in the past, some New Jersey utilities have been drawn into Superfund actions even though they are not polluters; and

WHEREAS, EPA assurances that it will rely on its enforcement discretion to keep POTWs from being forced to pay for cleanup under CERCLA fall short because 1) discretion can vary based on the administration and 2) polluters may employ legal strategies that draw public and private drinking water utilities, wastewater agencies (POTW), stormwater utilities, and biosolids management programs into litigation; and



WHEREAS, taxpayers and ratepayers are “innocent bystanders” and should not be made to pay to further polluter legal strategies, nor should they be subject to the regulatory uncertainty associated with EPA “discretion”; and

WHEREAS, cost implications the proposed CERCLA designation are complicated by the fact that PFAS substances aren’t introduced into the environment in a single or several discreet “spills” but are continually being introduced into the environment;

NOW THEREFORE BE IT RESOLVED, that Hackettstown Municipal Utilities Authority calls on the Hon. Cory A. Booker and the Hon. Robert Menendez to join Sen. Cynthia Lummis in Sponsoring the “Water Systems PFAS Liability Protection Act” because it would explicitly exempt public and private drinking water utilities, wastewater agencies (POTW), stormwater utilities, and biosolids management programs from CERCLA liability.

This Resolution was seconded by Jerry DiMaio and upon roll call vote carried:

Ayes: Lala, Harper, Jerry DiMaio and John DiMaio

Chairperson Lala stated the next agenda item was discussion and possible action to adopt a Section 457 Deferred Compensation Plan provided by Lincoln Retirement Services, LLC. Director Corcoran explained that the HMUA currently has a 457(b) plan with Edward Jones/American Funds that does not offer a Roth Retirement Plan option. The HMUA received quotes and Lincoln and Empower/Edward Jones, both of which offer traditional and Roth plans. The Lincoln plan did not require any payment from the employer and offered equivalent investment options to Empower. Director Corcoran requested authorization to convert the HMUA’s existing Edward Jones/American Funds 457(b) plan over to Lincoln Retirement Services, LLC.

The following Resolution #23-7784 was proposed by Lala who moved its adoption.

Resolution #23-7784

WHEREAS, the Hackettstown Municipal Utilities Authority (hereinafter referred to as the “Employer”) by resolution is adopting a Deferred Compensation Plan (hereinafter referred to as the “Plan”) for the purpose of making available to eligible employees the accrual of tax benefits under a Section 457 Deferred Compensation Plan; and

WHEREAS, the Economic Growth and Tax Relief Reconciliation Act of 2001, the 2005 final regulations issued under the Uniformed Services Employment and Reemployment Rights Act of 1994, the Pension Protection Act of 2006, final Treasury Regulation §1.457-4, the Heroes Earnings Assistance and Relief Tax Act of 2008 , the Worker, Retiree and Employer Recovery Act of 2008 and the Small Business Act of 2010 amended sections of the Internal Revenue Code (the “Code”) and the rules and/or regulations issued thereunder affecting Section 457 Deferred Compensation Plans (cumulatively referred to as the “Acts and Regulations”);

WHEREAS, the Employer desires its Plan to conform the Code and Treasury regulations brought about by the Acts and Regulations;



WHEREAS, the Employer desires to adopt a Plan that conforms with the changes in the Code and Treasury regulations resulting from the Acts and Regulations;

NOW, THEREFORE BE IT RESOLVED that the Employer hereby adopts Plan 92-PD-Lincoln-121316.

BE IT FURTHER RESOLVED that Lincoln Retirement Services, LLC (hereinafter referred to as “Lincoln”) has agreed to be the provider of the Deferred Compensation Program for employees; and

BE IT FURTHER RESOLVED that Lincoln will provide for the benefit of the participants the Alliance LincOn account; and

BE IT FURTHER RESOLVED that in accordance with N.J.A.C. 5:37-7.1(a) the Hackettstown Municipal Utilities Authority solicited proposals for a Deferred Compensation Plan and Service Agreement from (2 or more) providers of deferred compensation services. The vendors responding to the request for proposals were Lincoln and Empower. The successful vendor is Lincoln. The Hackettstown Municipal Utilities Authority Executive Director reviewed the proposals submitted and met with representatives of the responding companies. Lincoln was selected because of the high level of service, features and flexibility of the investment options for plan participants and recommendations from other municipal government units.

BE IT FURTHER RESOLVED that there has been no collusion, or evidence or appearance of collusion, between any local official and a representative of Lincoln in the selection of a provider pursuant to N.J.A.C. 5:37 - 5.7.

BE IT FURTHER RESOLVED that the Executive Director is authorized to execute an Administrative Services Agreement with Lincoln (92-SA-Lincoln-121316) and such other agreements as are necessary to implement the Deferred Compensation Program. It is implicitly understood that there is to be no cost or contribution by the Employer to the program; and

BE IT FURTHER RESOLVED that Executive Director is authorized to serve as the “Administrator” of the plan, represent the Employer, and execute individual deferred compensation agreements with each said employee; and

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to the Director of the Division of Local Government Services at P.O. Box 803; Trenton, NJ 08625-0803.

This Resolution was seconded by Jerry DiMaio and upon roll call vote carried:

Ayes: Lala, Harper, Jerry DiMaio and John DiMaio

Chairperson Lala stated the next agenda item was discussion and possible action to release Performance Guarantee for Woodmont at Independence. After a brief discussion, the following Resolution #23-7785 was proposed by John DiMaio who moved its adoption.

Resolution #23-7785



WHEREAS, Woodmont at Independence project has completed all requirements under the HMUA Rules and Regulations to the satisfaction of HMUA and its engineer; and

WHEREAS, the release of the Performance Guarantees is contingent upon receipt of acceptable As-Built Record drawings, CAD files and Maintenance Guarantee; therefore

BE IT RESOLVED, that HMUA Board hereby authorizes release of the Performance Guarantees for Woodmont at Independence when the contingency items are received and are deemed acceptable by HMUA.

This Resolution was seconded by Harper and upon roll call vote carried:

Ayes: Lala, Harper, Jerry DiMaio and John DiMaio

Chairperson Lala requested Executive Director Corcoran to proceed with her report.

Executive Director Corcoran stated the billing office continues to participate in the LIHWAP program and mailing out all bills in envelopes with the required flyers.

Executive Director Corcoran continued to say that on the sewer side Pete Tynan, Mike Brady and Chris Pizarro attended the NJWEA conference in Atlantic City and received training contact hours. In addition, the sewer operators received in person training for the new main line camera system.

In addition, operators cleaned piping at the digester due to struvite build up which was causing blockages. They replaced a faulty motor on the inlet washer/compactor unit. They are currently working on a turbo blower #2 fault, communicating with APG Neros remotely to troubleshoot. In addition, they took the second half of the plant offline to allow for tank inspections for future concrete repairs. They continue to work on converting boiler units to gas and generator sizing.

On the water side, Director Corcoran reported that May water usage was higher than last year and 2021. There were two main breaks since the last board meeting at Roosevelt Drive and one at the M&M Mars site. We also had two service leaks. It was extremely dry and with the Hydrant Flushing, our usage was very high. We were concerned that there may be a leak, but thankfully the usage came down after the rain came. We continue leak detection with the deployment of correlators every night. Water staff installed two lengths of water main on Ashley Ave. We flushed hydrants this month and listened after flushing.

With regard to the 1 MG tank and water main project, Director Corcoran stated that the NJDEP required public hearing was held on May 24th at 6pm. No one from the public was in attendance. Mott MacDonald is now preparing the final drawing set to upload to the Ibank for review and authorization to advertise for public bidding.

Director Corcoran stated that Deputy Director Pizarro will provide updates on the lead service line project.

Deputy Director Pizarro started by saying that on May 22nd a meeting was held at HMUA that included the HMUA staff, the engineer, the contractor and the local plumbing subcode official to discuss the upcoming work. The contractor now has most of the required materials and is hoping to start some time in June. The plumbing official noted that any home with water pressure of 80



psi or higher will be required to have a PRV installed and also an expansion tank on the water heater. This requirement was not anticipated, but we are currently re-inspecting the identified homes to determine how many homes will require installation of PRV and/or expansion tank as part of the project.

Chairperson Lala requested Counselor Goffredo to proceed with her report. Counselor Goffredo stated there was nothing to report.

Chairperson Lala asked whether anyone had business of a general nature to discuss, with no response.

Chairperson Lala declared a motion to adjourn would be in order and was so moved by John DiMaio and followed by a unanimous voice vote.

Time –4:01 P.M.

Kathleen Corcoran
Executive Director & Secretary