

THE LANDIS SEWERAGE AUTHORITY
REGULAR MEETING
November 7, 2022

Pledge of Allegiance.

The regular meeting of the Landis Sewerage Authority was called to order by Chairman Reuben at 6:00 p.m. The following members were present at roll call: Barse, Miranda, Villar, Angelo and Reuben were present.

The proper notice was given to all members in accordance with the by-laws.

Chairman Reuben stated that public notice of this meeting, pursuant to the Open Public Meeting Act, has been given in the following manner:

1. Posting written notice in the lobby entrance of the Authority.
2. Hand delivering notices to the offices of the Daily Journal and The Press.
3. Filing written notices in the offices of the Authority and City Clerk.

Also present: Dennis W. Palmer	Executive Director
Stephen D. Barse	Solicitor
Carol A. Ricci	Executive Assistant

It was moved by Barse and seconded by Villar that the reading of the minutes of the regular meeting held on October 17, 2022 be dispensed with and the same be approved in the form submitted to all members by mail. Roll call: Barse, Miranda, Villar, Angelo and Reuben voted “yes”.

The Chairman asked if there were any general public comments or comments on the proposed Resolutions. There were none.

Resolutions:

It was moved by Barse and seconded by Villar that Resolution No. 2022 – 103 “Be it resolved by the Landis Sewerage Authority, that the following bills of items or demands are hereby approved and authorized for payment out of the Revenue Fund Revolving Payroll Account.... \$161,110.61”, be adopted. Roll call: Barse, Miranda, Villar, Angelo and Reuben voted “yes”.

It was moved by Barse and seconded by Villar that Resolution No. 2022 - 104, “Be it resolved by the Landis Sewerage Authority, that the following bills of items or demands are hereby approved and authorized for payment out of the Revenue Fund Bills.... \$294,782.10”, be adopted. Roll call: Barse, Miranda, Villar, Angelo and Reuben voted “yes”.

It was moved by Barse and seconded by Villar that Resolution No. 2022 - 105, “Be it resolved by the Landis Sewerage Authority that the following bills of items or demands are hereby approved and authorized for payment out of the Revenue Fund Revolving Payroll Account...\$80,000.00”, be adopted. Roll call: Barse, Miranda, Villar, Angelo and Reuben voted “yes”.

It was moved by Barse and seconded by Villar that Resolution No. 2022 – 106,” Be it resolved by the Landis Sewerage Authority that the following bills of items or demands are hereby approved and authorized for payment out of the Revenue Fund Bills...\$300,000.00”, be adopted. Barse, Miranda, Villar, Angelo and Reuben voted “yes”.

Reports:

Executive Director

Dennis Palmer reported that the reason there are so many resolutions for payroll and bills is that some are being paid to OceanFirst and some are being paid to Century to get them up and running.

The quarterly report to Mayor and Council was in your package as well as the hauler report income. We received a nice letter from Professor Courtney from Rowan regarding their tour from the environmental engineering class.

The budget is in, the State reviewed it and they had two comments. One comment is something minor that we have to address and the other comment is they can't approve the budget because they don't have our audit. The audit is being put together and we have an audit meeting coming up. I always look for two things every year; one the last page there are no comments or corrective action plan needed and under the bond covenants, we have to have an income coverage on top of our principal and interest payments. Those two were both satisfied.

I shared some good news on Utopia. Apparently, the DEP is at the point almost done and there were no questions. They have to get into the NJ Register and that comes out twice of the month, it's the official voice of the State. When that gets published, there's a thirty- day comment period and from there at some point it becomes adopted. I told my staff I don't want to wait and let's work on this parallel, start getting updated construction costs and work on the permit application. Once that's done, we can submit the permit. You have to certify its compliance with our wastewater management plan. So, in parallel we'll start working on design and biddable documents on Utopia.

Joe Reuben asked if you have to submit the permit to DEP and how long will it take? Dennis stated it's a 90-day permit program. It has to get into the register and it has to be approved in the register.

Field Engineer

Dennis Palmer reported for Anthony Tobolski that Perna Finnegan will be installing a manhole and 70 feet of pipe to replace a broken main on November 14, 2022 at Landis Avenue and Mill Road.

Also, the trench restoration project on Walnut Road will start on the week of November 14, 2022. The Landis Sewerage Staff will be working with Final Touch Paving on a smaller scale trench restoration project the week of November 14, 2022.

Solicitor:

Stephen Barse reported that he attended the hearing at the Appellate Division last Wednesday. It was rather lengthy. When they finish their questions then it's over. Each side gets to argue and there were two on our side and one for the DAG and you get to rebut what the other side says. There were three judges which was a good thing. The chief judge who sits in the center asked about 85% to 90% of the questions. The judge to the right had a few pointed questions and the other judge had no questions which seemed unusual.

Dennis stated that the filings on this were huge and complex. The judges had a good reading of the case and the briefs and they were informed and asked informed questions. Stephen stated that there were even references to the footnotes in the brief which was encouraging. One of the main issues here is that the regulations require that they do a cost analysis for the impact of this rule one of our main arguments was that it was not done here and they could not do it because there was no formula to do it and there were no companies that were able to provide quotes. Our attorney and the attorney for 3M really hit hard. The chief judge seemed skeptical but they do get deference in this kind of thing. One of our points was they couldn't have considered this because there was no formula in place, no company to give a quote and they couldn't consider the cost which would be staggering. The DAG said that's it was not true and there are thirteen companies that are able to give quotes. It doesn't validate since they didn't have that information at the time and number two, it may be out there now but it's not part of the record. The judge stated that it was assumed that every municipality in the State of New Jersey, all 166, have an emergency water plan if they need it so they must know what the cost would be.

Dennis stated that if someone has contamination, there's a high probability that their neighbor does and their plan for back up water would be their neighbor and they're contaminated also. That happened with Paulsboro, East Greenwich and that whole area where Dupont and others have contamination. It was a disappointing line of questioning. The judge stated that our attorneys brought up something that wasn't in the briefs. Our folks rebutted and stated that we brought it up now because she brought it up in her argument and it was never in her brief or any part of the record. I don't know where this will go as they seem to defer to the DEP. It went on for a long time and everything was flushed out in the end. Stephen also stated that whoever loses has the right to ask the

supreme court to hear the case. If there's a dissent, you have a right to appeal with the supreme court. If the three judges are in agreement you can ask the court and the court will say we're not going to hear it. If it goes this far, you would hope they would hear it because it's such an impactful issue and the cost will be staggering. They stated at the end of the hearing they would issue their decision in due course. Stephen stated it would be at least six months and whatever they do they will have to write a very thorough decision. The briefs have been out for a year.

Alan Angelo stated that this is not a matter that can be compromised in any way. Stephen added it is a rule and you have to go to the amendment process and Dennis stated you have file with the Administrative Procedures Act.

Chairman:

Joe Reuben reminded everyone about the AEA conference next week.

Issues and Correspondence: None

Committee Reports:

Engineering/Plant:

Dennis stated that Mott MacDonald was here with their survey crew surveying the pipeline here on Mill Road and getting ready to put a bid out for the deep section to bypass the bad part and we'll do separately, clean the first fifty feet and line it with a chemical resistant and structural liner.

Joe Reuben asked if the farm harvested corn this year? Dennis stated we did but we don't have the numbers in yet. We harvested around two weeks ago. The deer actually ate the corn down the whole stalk down to around eighteen inches. There's a couple of acres like that near the woods. There are not many deer on the cameras because of the disease.

Dennis stated we hosted a Jersey Devil hunt on the farm. We had around 35 people. Citizens United had fire pits, with a fire permits from the state fire marshal. They had hot dogs and smores and they tell ghost stories. They actually go for a walk while they tell stories about the Jersey Devil. It was open to the public.

Budget/Finance:

Dennis stated just his prior report on the budget and the audit meeting next week.

Human Resources: No Report

Public Relations:

Dennis stated that we had the tour from Rowan which was really good and the nice letter. We have a winter intern from the University of Delaware and she's studying civil engineering. She'll be here from Christmas until she goes back to school.

Insurance Committee: No report

Allocations/Administration:

Dennis reported that we have a meeting for another pot warehouse. It's good that they are repurposing empty buildings which is of value.

Old Business: None

New Business: None

Adjournment:

At 6:24 p.m. there being no further business to come before the Board, it was moved by Barse and seconded by Miranda that the meeting be adjourned. Roll call: Barse, Miranda, Villar, Angelo and Reuben voted "yes".

THE LANDIS SEWERAGE AUTHORITY

PERRY D. BARSE, Assistant Secretary