

THE LANDIS SEWERAGE AUTHORITY
REGULAR MEETING
October 17, 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, Angelo and Reuben were present. Villar was absent.

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
Anthony Tobolski	Field Engineer
Stephen D. Barse	Solicitor
Carol A. Ricci	Executive Assistant

It was moved by Barse and seconded by Miranda that the reading of the minutes of the regular meeting held on October 3, 2022 be dispensed with and the same be approved in the form submitted to all members by mail. Roll call: Barse, Miranda, 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 Miranda that Resolution No. 2022 – 98 “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.... \$102,312.15”, be adopted. Roll call: Barse, Miranda, Angelo and Reuben voted “yes”.

It was moved by Barse and seconded by Angelo that Resolution No. 2022 -99, “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.... \$252,339.22”, be adopted. Roll call: Barse, Miranda, Angelo and Reuben voted “yes”.

It was moved by Barse and seconded by Angelo that Resolution No. 2022 - 100, “A Resolution of the Landis Sewerage Authority listing payments from the 2016 Bond Issue Construction Fund adopted July 5, 2016...” be adopted. Roll call: Barse, Miranda, Angelo and Reuben voted “yes”.

It was moved by Barse and seconded by Angelo that Resolution No. 2022 – 101, “A Resolution of the Landis Sewerage authority renewing the existing Cash Management Plan and its amendments...” be adopted. Roll call: Barse, Miranda, Angelo and Reuben voted “yes”.

It was moved by Barse and seconded by Angelo that Resolution No. 2022 – 102, “A Resolution of the Landis Sewerage Authority adopting the Preliminary Budget Resolution of the Landis Sewerage Authority fiscal year period January 1, 2023 to December 31, 2023...” be adopted. Roll call: Barse, Miranda, Angelo and Reuben voted “yes”.

Reports:

Executive Director

Dennis Palmer reported that the Rowan Environmental Science Class which is the first college tour since COVID. We’ve had some smaller ones over time. The Finance Committee met and we just took action the preliminary budget. We completed training for Confined Space and Lock Out/Tag Out.

I worked with Steve on a letter that he will probably discuss dealing with out Audit and hopefully we are fairly close to having the audit complete.

Field Engineer

Anthony Tobolski reported that regarding trench restoration on East Walnut Road, the contract is signed with Arthur Henry Construction as of last Thursday. We gave them the notice to proceed. I also spoke to the job superintendent today and he said they will be starting the job in early November.

Solicitor:

Stephen Barse reported that the audit letter went over to Steve Testa today. I wanted to speak with counsel on the appellate matter which I did on Friday and he is actually our counsel. I updated him on where things stand. I will be doing the oral argument on November 2nd and if you want to come it’s an open hearing in Trenton. It should be a very interesting discussion because the legal issues here are very complex. Depending on how the ruling goes, if it’s simply that it follows the administrative procedure act and they can go back and redo the process and just move forward from that point. If they find

that the decision to change the standards as arbitrary and capricious with these new rules, I think they'll have difficulty going back unless they have a whole series of studies done and background that provides data. One of the arguments is that there's no data to support what they've done with these rules. Another thing is that they're relying on faulty data or an aspect of it and it was pointed out they acknowledged it was faulty when they relied on it and that there's no reason to revisit or redo the rules and they'll still go forward even if they relied on faulty data. It's really an unusual circumstance. The third possibility is that they relied on false information but there could also be a finding that the standard they are imposing here is ten times more stringent than the EPA standards and there's language in some of the regulations that there's a certain aspect that it's fundamentally unfair to impose that standard.

Alan Angelo asked if it was available virtually? Stephen stated that he received the notice a couple of weeks ago from the appellate division and I don't remember it saying anything about that. It's interesting to watch. Sometimes there's only two judges but I expect there to be three. Also, I put that in the letter for full disclosure because the potential liability is in the \$20m plus to comply with the new rules so we're covered.

Chairman: No Report

Issues and Correspondence: None

Committee Reports:

Engineering/Plant:

Dennis stated the only thing is that we received the signed contract from Mott MacDonald so we'll move forward on that and we need to get pricing on lining the first section.

Budget/Finance:

Yarilee Miranda reported that income is \$509,329 or 5.9% over budget and expenses are \$68,672 or .79% under budget. Accounts receivables decreased \$326,605. The Authority continues to be affected by the economy and is keeping a close watch on its budget.

Dennis stated that in March and April we make our big pension payment but as the year closes and we had the rate increase which has helped.

Joe Reuben asked if we had any information on the replacement building and Anthony stated that we're waiting for pricing on the architecture and the cost of the building. We were supposed to have it last Friday. Joe asked where it would be located and Anthony stated it would be before the headworks on the opposite side of the road, we had construction trailers there and there's water, sewer and electric. Dennis added that we

want a steel shell for the building and re-outfit it inside with insulation, heating and plumbing.

Human Resources:

Dennis stated our newest employee came on board in the plant.

Public Relations:

Dennis stated the only thing is the tour tomorrow.

Insurance Committee: No report

Allocations/Administration:

Dennis stated that we had some inquiries and we're waiting for some applications. There are a couple that are working with Sandy Forosisky on some properties but they are not in the Wastewater Management plan.

Every two months I ask DEP on where we are with our plan that we put in fourteen months ago. If you want to pursue this there's no guarantee that you will be successful getting the Wastewater Management Plan from the DEP.

Old Business:

New Business: None

Adjournment: None

At 6:11 p.m. there being no further business to come before the Board, it was moved by Miranda and seconded by Angelo that the meeting be adjourned. Roll call: Barse, Miranda, Angelo and Reuben voted "yes".

THE LANDIS SEWERAGE AUTHORITY

CARLOS VILLAR, Secretary