



Board of Commissioners

Senator Robert Singer, Chairman

Mayor Raymond Coles, Vice Chairman

Craig Theibault, Treasurer

Anne Fish, Assistant Secretary

Yocheved Miller, Commissioner

Samuel Flancbaum, Alt. Commissioner

Meir Lichtenstein, Alt. Commissioner

THE LAKEWOOD TOWNSHIP MUNICIPAL UTILITIES AUTHORITY

Regular Meeting Minutes

June 8, 2021

- I.** Senator Singer opened the meeting at 10:00 A.M. via teleconference.
- II.** It was announced that in accordance with Chapter 231, Public Law, adequate notice of this meeting was given and that a notice of this scheduled meeting was filed with the Township Clerk and posted in the Municipal Building in a place accessible to the public and by means of public notices in the Asbury Park Press on February 18, 2021 and The Tri Town News on February 24, 2021 and again in the Asbury Park Press on May 15, 2021 and in the Tri Town News on May 19, 2021.
- III. Salute to the Flag**
- IV. Roll Call of Commissioners**

On roll call the following Commissioners were present: Mayor Coles, Mrs. Fish, Mrs. Miller, Mr. Theibault, Mr. S. Flancbaum, Committeeman Lichtenstein and Senator Singer. The following professionals and key personnel were present: Mr. Adam Pfeffer, Esq., Mr. Gerwin Bauer, Auditor, Mr. Justin Flancbaum, Executive Director, Mr. Donald Sondak, CFO, Mr. Colin Farrell, CEng MIEI, Director of Engineering, Mr. Adam Ponsi, P. E. and Mr. Harry Robbins, Operations Manager.
- V. Minutes**

A **motion** to approve the minutes of the Regular Meeting held on May 4, 2021, was made by Mrs. Fish and seconded by Mayor Coles. On **roll call**, all members present voted **"Yes"**. **Motion Carried.**
- VI. Chief Financial Officer Report**
 - 1. Update**

Bond Closing on Thursday for the long term funding for our admin building renovations as well as the Vassar Ave. and East County Line Road Sewers. We have \$2,000,000 at 5% and almost \$3,000,000 at 0% . That will be closing this week, can't do better than zero percent.

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New project on the boards-Granular Activated Carbon, put up a couple of buildings and new filters. This project is projected to start in 2022.

Approximate cost is \$12,000,000. We have a request in with the Ibank and I thank Colin for that as well, to cover the short term soft cost so that we're not out of pocket in the short term. Working with Skip on the long term plan to see how that will impact the Authority.

Last point of information, half year point through the end of April the Authority is operating nicely according to budget. There is nothing, no outstanding variances that would cause any concern. Things look very good. No significant issues to report.

Moving on to the operating list we did receive an addition to the list that you have in your packet. We did receive an invoice from Attorney Pfeffer in the amount of \$5,940 so that would be added to the operating list. And having said that I recommend that the Board of Commissioners make a motion to approve the operating list including the addition of Mr. Pfeffer's invoice.

2. Motion to Approve Operating Vouchers

Mr. Sondak provided the commissioners with a list of abstentions. The amount for the Operating Expense Vouchers is \$692,474.71. A **motion** to approve operating vouchers in the amount of \$692,474.71 was made by Mayor Coles, seconded by Mrs. Fish. On **roll call**, all members present voted, "Yes" with **noted abstentions**. **Motion Carried.**

Senator Singer made mention that we had a resignation from Nechama Lapa and we have a replacement coming in for the Board Secretary and HR assistant and payroll. And that person is slated to start in 2 weeks on the 21st and again they were interviewed by our staff here.. We had a nice going away for Nechama, we are sorry to see her leave but she moved to a different type of job that she wanted to do and we wish her well on that. And again, the replacement will be in towards the end of the month and everyone will get to meet her, I haven't met her either. She has a background in HR which helps out. She works for a payroll company right now so it should be an easy transition and of course Don and the staff are picking up the slack right now.

VII. Engineer's Report

1. Magnolia II (319 Cedarbridge, LLC-Menachem Gutfreund)

- Resolution Releasing Performance Guarantees

On June 4th we issued a letter detailing the items required for the performance guarantee to be released. Mr. J. Flancabaum read **Resolution No. 21-56 Releasing Performance Guarantees Magnolia II**. Motion was made by Mayor Coles, seconded by Mrs. Fish. On **roll call**, all members present voted "Yes". **Adopted.**

2. Locust Street & Route 70 74 Unit Driving Range (FSBS Investments, LLC-Jack Klugman)

- Resolution Reducing Performance Guarantees

On June 4th, 2021 we issued a letter detailing the reduction for the performance guarantees. Mr. J. Flancabaum read **Resolution No. 21-57 Resolution Reducing Performance Guarantees Locust Street & Route 70 74 Unit Driving Range**. Motion

was made by Mrs. Fish seconded by Mayor Coles. On **roll call**, all members present voted **“Yes”**. . **Adopted.**

- Resolution Releasing Performance Guarantees

On June 4th, we issued a letter detailing the items required for the performance guarantees to be released. Mr. J. Flancbaum read **Resolution No. 21-58 Resolution Releasing Performance Guarantees Locust Street & Route 70 74 Unit Driving Range**. Motion was made by Mayor Coles seconded by Mrs. Fish. On **roll call**, all members present voted **“Yes”**. **Adopted.**

3. Ridge Avenue School & 15 Lot Subdivision (Bais Reuven Kamenetz of Lakewood, Inc – Yisroel Olebaum)

- Resolution Granting Conceptual & Technical Approval Ridge Avenue School & 15 Lot Subdivision

May 12, 2021 Grant Engineering granted conceptual & technical review #2 so at this time the Authority may grant approval. .Mr. J. Flancbaum read **Resolution No. 21-59 Granting Conceptual & Technical Approval Ridge Avenue School & 15 Lot Subdivision**. Motion was made by Mayor Coles, seconded by Mrs. Fish. On **roll call**, all members present voted **“Yes”**. **Adopted.**

4. Woodlake Village Building #8 (Woodlake Village LLC.-Michael Zucker)

- Resolution Authorizing Executive Director to Endorse Applications

The proposed development generates over 2,000 gpd of flow so OCUA approval is needed. Mr. J. Flancbaum read **Resolution No. 21- 60 Authorizing The Executive Director to Endorse Applications Woodlake Village Building #8**. Motion was made by Mrs. Fish, seconded by Mayor Coles. On **roll call**, all members present voted **“Yes”**. **Adopted.**

5. Pine Street Office Building by EMS (1515 Pine, LLC-Aaron Kotler)

- Resolution Authorizing Executive Director to Endorse Applications

The proposed Mr. J. Flancbaum read **Resolution No. 21-61 Authorizing Executive Director to Endorse Applications Pine Street Office Building by EMS**. Motion was made by Mrs. Fish, seconded by Mayor Coles. On **roll call**, all members present voted **“Yes”**. **Adopted.**

6. Oak Street Sudler Buildings 33 & 34 (Tenant for Bdlg. #33) (Sudler Lakewood Land, LLC-Steven Spinweber)

- Resolution Authorizing Executive Director to Endorse Applications

This is for the marijuana processing facility. OCUA approval is required due to the developer generating more than 2,000 gpd of sanitary sewer flow. Mr. Lichtenstein questioned whether this facility was allowed in Lakewood and Senator Singer clarified it is a medical marijuana cultivation facility that was granted a zoning permit by the town and that the use is grandfathered in. There is no retail. Mr. Adam Pfeffer Esq confirmed that he reviewed their approved zoning permit and that this is a cultivation facility, not retail, and that the use is grandfathered in. Mr. J. Flancbaum read **Resolution No. 21-62 Authorizing Executive Director to Endorse Applications Oak Street Sudler**

Buildings. Motion was made by Mayor Coles, seconded by Senator Singer. On **roll call**, all members present voted **“Yes”**. **Adopted.**

7. East Spruce Street School #2 (Talmud Torah of Lakewood-Mayer Kalmanowitz)

- Resolution Authorizing Executive Director to Endorse Applications
At this time, the Authority may authorize the Executive Director to endorse applications for the East Spruce Street School #2. Mr. J. Flancbaum read **Resolution No. 21-63 Authorizing Executive Director To Endorse Applications East Spruce Street #2.** Motion was made by Mayor Coles, seconded by Mrs. Fish. On **roll call**, Mr. S. Flancbaum, Mrs. Miller, and Senator Singer voted **"Yes"**. Mr. Theibault abstained. **Adopted.**

8. Sanitary Sewer System Recommendations Based on Master Plan

- Resolution Awarding Professional Services Contract CME Associates
May 12, 2021 we received a proposal from CME Associated to review the Sanitary Sewer Master Plan to determine the areas in need of upgrades, provide conceptual design options & cost estimates not to exceed \$34,768.00. Mr. J. Flancbaum read **Resolution No. 21-64 Awarding Professional Services Contract CME Associates.** Motion was made by Mrs. Fish, seconded by Mayor Coles. On **roll call**, all members present voted **“Yes”**. **Adopted.**

VIII. Attorney's Report

Mr. Pfeffer said it is business as usual. Senator Singer asked for confirmation that the application for Sudler Bldgs were in fact grandfathered in. Mr. Pfeffer assured the board that that is correct and everything is predated and he reviewed the applications and it is strictly manufacturing.

IX. Executive Director's Report

1. Resolution Adding Columbia Bank as an Official Depository

Don and myself met with two representatives from Columbia Bank last week and it's a bank we think we should establish a relationship with. Mr. J. Flancbaum read **Resolution No. 21-65 Resolution Adding Columbia Bank as an Official Depository.** Motion was made by Mr. Theibault, seconded by Mrs. Fish. On **roll call**, Mrs. Fish, Mrs. Miller, Mr. S. Flancbaum and Mr. Theibault voted **“Yes”**. Senator Singer abstained. **Adopted.**

2. Consumer Confidence Report

Postcards were mailed the last week in May, the certification form has been sent to the state already, well in advance of our July 1st deadline. We hand delivered to the best of our ability, to those customers that are non-bill paying such as people in apartment buildings and so we have satisfied all requirements of the State of NJ.

X. Technical Operations Report

Operations Dept:

1. Flushing

Hydrant Flushing is under way and moving along very well.

2. Well #4

Work on well #4 rehabilitation and changeover from submersible to vertical turbine pumping is complete and back online.

3. New Hampshire Avenue Lime Room

Rehabilitation is nearing completion. All the concrete demo and lime tank repair and painting was performed in the house, the floor prep. And painting is being performed by an outside contractor. The complete job was quoted at just over \$82,000 by the original contractor. It will be completed at just over \$12,000 including materials, MUA labor and the current contractor's cost. A savings of around \$70,000.

4. Shorrock HVAC

The replacement of the Shorrock Street Water Treatment Plant HVAC system is moving forward with no issues.

Technical Operations:

5. SCADA & Communications status

All SCADA and Communication systems are up and running fine. Only a routine SCADA contractor visit was needed for modifications.

GIS/Cyber-Security:

6. Cyber Security Training

With the cyber-security effort, the 1st round of training for 2021 has started whereas we are looking at just about full compliance at this time. To be in compliance with MEL/JIF Cyber Risk Management Tier a second round of training will commence in 3 months.

7. Risk & Resiliency

Assisting the consulting engineers with our risk & resiliency plan

8. GIS & Flushing

The Authority is capturing all flushing and associated hydrant activity on our Ipads.

9. GIS Markouts

Developing an application to manage and capture all mark-outs and placing them in the GIS data base.

10. GIS & Billing Department

Developing an online map for use by our Billing Clerks in order to view property locations, water/sewer system as well as block/lot information.

Senator Singer made mention that Leon is back after a long illness and thanked Harry for filling in for Bob Farina.

XI. Commissioners' Report

XII. MEETING OPEN TO THE PUBLIC

Mordy Weber identified himself. Mr. Weber lives in the Ridge area neighborhood in White Oak. He questioned resolution 21-59, stating there is litigation going on on the property of the school and 15 houses being built. Why didn't anyone from the board ask if there is litigation going on. Eighty neighbors are concerned about this. The original plans presented have been replaced with a different set of plans so there is some discrepancy between the 2 sets of plans. There is concern as this nice quiet neighborhood has a school coming up with overpopulation. This should be looked into a bit closer. Attorney Pfeffer introduced himself and informed Mr. Weber that the MUA is not party to this litigation. Mr. Pfeffer said he is not involved in the litigation but he believes neighbors filed an appeal of the land use approval but it has nothing to do with the MUA. If the approval is upheld or overturned, nothing we are doing here is going to get affected. These things are all assuming that the application goes forward. To answer the concerned neighbors question, there is nothing here that we are a party to. Just because we may approve a resolution here it has no bearing on the litigation that's happening as we speak.

Mr. Weber was asked by Senator Singer if Mr. Pfeffer answered his question or does he have anything further. Mr. Weber thinks the board should be concerned with the safety and quality of their life. Mr. Pfeffer countered with we are here to do a job, an application came in. If the approval is overturned or there's an order to stop the process then everything stops here, we deal with water and sewer only.

Senator Singer stated we do not give any approvals for any building at all. The only thing we are concerned about is that we are mandated to provide sewer and water safely to any applicant that comes in period, we cannot deny that. The approval, the design, the amount of things being built are totally out of our domain. We have nothing to do with that.

Mr. Weber finished with I'm just a simple citizen and this concerns me. I don't know as much as you individuals know but I just know you are appointed to look out for the safety and well being of the town and the quality of life so as long as you are satisfied and approve it then I'm (I think maybe) I should be ok to. Lastly, Senator Singer thanked Mr. Weber for calling, it's his right to ask questions and then summarized again that water and sewer is our only concern that it is installed safely.

Mr. Kluger identified himself from the same Ridge Avenue neighborhood. When looking at the 23 page report from our engineering firm Grant Engineering, he noticed over 75 items not yet addressed, unresolved for over a year. He stated that based on the Authority's own rules, this applicant should not have received conceptual or technical approval because he has not met the burden of answering more than half the questions that Grant Engineers has asked of him. The neighbors were alerted to this because this developer has been attempting to strongarm some of the people in the neighborhood by

threatening them with eminent domain to be able to get all kinds of easements for 200 linear feet across their property 40 feet wide right up to the house. He (the developer) is offering \$10,000 to do it and he is threatening to use the MUA for eminent domain. How can you approve an applicant that hasn't addressed so many of the questions?

Senator Singer responded that the Authority's approval is subject to the meeting of all these items so nothing was approved today until all the items in the 23 page report are answered. Also, we do not use eminent domain for individual developers, we use it for the well being of our entire system so you can rest assured that we are not involved in condemning property for a developer, only if it affects our entire system. Adam Pfeffer Esq., stated we have already provided a letter in writing indicating that we are not going to be proceeding with any eminent domain on this project-we've already given an answer on that. Mr. Kluger responded with I appreciate that, and once we saw this behavior coming from this bad actor and then we see so many things not addressed, we are just in a heightened alert about what else might be going out. I understand you are not doing anything and I don't mean to infer that you are going to do it but he is still threatening it. We are just very very concerned about what is going on because we also know that some of what is represented to you was not what he represented to other boards. Adam Pfeffer Esq. assured Mr. Kluger that anytime he has questions he can reach out to us, we are totally transparent. Mr. Kluger ended with I will go away a happier man after this phone call. When can I get a copy of the resolution? Justin Flancbaum introduced himself and informed him it would be ready by the end of the week and to email Robyn Gray, the office manager and she will send it over to him.

XIII. MEETING CLOSED TO THE PUBLIC

XIV. ADJOURNMENT

A **motion** was made by Mrs. Fish, seconded by Mayor Coles to adjourn meeting. **On roll call**, all members present voted **"Yes"**. The meeting was adjourned at 10:44 A.M.

Respectfully submitted,

Robyn Gray,
Office Administrator, LTMUA