

Present: Mr. Marino, Mr. Schauer, Mr. Schwaiger, Mr. Neri, Mrs. Mahoney, Mr. Cossabone, Mr. Fiore, Mr. Spratt, Mr. Roorda, Councilman O'Reilly

Regret: Mr. Simone

Absent: Mr. Ferguson

Public in Attendance: Mr. Bill Bowman, Mrs. Denise Nevico, Comptroller, Mrs. Beth DiOrio, QPA

Salute to the flag

Mrs. Rutter read the Opening Statement, "Pursuant to the Open Public Meetings Act, I hereby announce that adequate notice of this meeting, as required by said act has been provided by adopting a schedule of regular meetings for the year 2025/2026 which schedule was posted on the Authority Bulletin board and filed with the Township Clerk on February 28, 2025."

Public Portion

A motion was made by Mr. Schauer and seconded by Mr. Marino to open the meeting to the public. The motion passed unanimously.

Mr. Bowman came before the board regarding the Morgan Landing project, I was here before when we modified the job and raised the grades to eliminate a pumpstation. An application was made for Form C, Form B was approved. We received approvals from the state. Between Form B and Form C, the Pinelands came in and gave us a hard time with an approval that we thought we had. We have a letter from them that says go ahead and they said there was no call up letter. One thing led to another and five months later after negotiations with them we settled with them on a redesign which is currently on its way with the Township. As a result, we can't provide the easements because we don't have approval from the Township. They can't provide signed plans because the plans are being redone. I am here before you tonight to see if we can find a way to get an approval contingent upon whatever conditions you set forward so that we can proceed with the sewer main construction which hasn't changed from the Form B approval. The water main will change but that isn't required for the first and second sections.

Mr. Spratt stated Form C is approval to construct based on plans the authority has already approved whether it be for the sewer extension permit for the state or the water main extension that we need approvals now within. The easements are supposed to come in with Form C. Mrs. Mahoney changed the procedure a year or so ago, its no longer the builder to file the easements, but our own solicitor does but we have to have the information for them to be able to do that. It's supposed to be done within 30 days from Form C approval. Normally, the Form C application we have separate plans and legal descriptions which my office reviews, when they are good to go, we forward them to Mr. Fiore and he prepares the easement and files it with the county courthouse. We do not have that right now and furthermore the plans should be absolutely the same as whatever the contractor is going to get. I have had that happen a couple times when the plans changed after our own inspectors and authorities didn't have. I have a hard time suggesting a contingent approval on a Form C. To me it should be this is what we are building.

Mr. Bowman stated the Form C requirements for the easements cannot be provided because the plans are not approved yet. They must go through the township. The portion of the plans that have the easements in them is part of the redesign required by Pinelands. Mr. Neri stated pertaining to the Township, have you started that process and is there anything Mr. O'Reilly can help you with that? Mr. O'Reilly stated, we could call a special meeting if he has stuff ready to help him out and not hold him up. Mr. Bowman questioned can't we give you an easement, does it have to be approved and filed? Mr. Fiore stated no, it has to be filed and approved.

Mr. Spratt questioned what a no call up letter is? Mr. Fiore stated it's saying there is no issues with the Pinelands. Mr. Schwaiger stated it seems like its unfortunate what you are going through but your appeal is for the MUA to assume the risks that your easement is going to be approved and that's just a matter of policy. To ask for an exemption from policy right now burns the MUA with the risk of guaranteeing the easement. I have a concern with going from two basins to fourteen basins that the township is going to have to look at that a little bit further.

Mr. Bowman stated we have been in that dual process. I can give you an easement now on the existing Form B plans. Mr. Schwaiger stated the Form B plans, is that a separate element from the entire review that you have going on with the township or is that included? Mr. Bowman said no, it's isolated from the township. The township is just storm sewer. This is a modification of basins. Mr. Schwaiger stated you are talking about a mix up of plans that were submitted to our engineer. Mr. Bowman stated no, the Form C requirement is that you send a signed set of approved plans from the township. We sent the signed plans from the township. Because we did not change the water from coming from Christina Lane and bringing it up through Fryers to make the tie in, assuming it would be better. That was the Form B approval that was not shown in the township signed plans. Mr. Schwaiger stated if you had an engineer, and they had the same set of plans for Form B and there was no change, would a letter from that engineer with the same plans that were submitted under the Form B be acceptable and then the easement. Is that what is missing from the Form C requirement?

Mr. Spratt stated when the application was submitted there were two things missing, one was the easements and the second thing was normally the design engineer submits a cover letter describing whether the plans are identical or if not, these are the itemized changes. That was not submitted. I received two different sets of plans submitted with the Form C and they were different between each other. One of them just said on the cover sheet, final for sanitary sewer, and the other set of plans we just granted Form B approval for water in April. The plans that were submitted there were predated to the plans that were just approved. I cannot recommend approval based on two different sets of plans.

Mr. Bowman stated I picked up the plans and delivered them here to try and expedite the process, they didn't have time to write the letter and I probably should have been smarter and left the plans there and let them do what they were supposed to do but there was no one in the office. The difference in the plans is the Form C says you want the signed approved plans by the township, subsequent to those plans being approved which were eliminating a pump station, we changed the water and the water application was approved. This was a benefit to the MUA for us to move the project forward. This is why the Form B water is different because it was a better condition for the MUA to have Fryers connected in the loop into Morgan Road.

Mr. Fiore stated it's an unfortunate situation but back to what Mr. Schwaiger stated, its process that must be followed. The plans can't be signed until all outside agency approvals have been granted. Legally they can't be signed until the Pineland signs off.

Mr. Schwaiger stated I think what he is trying to say is, I want to do my sewer, I have a sewer plan that was approved. I have a set of plans that could be separated by your engineer that are just for your sanitary. Mr. Fiore stated they generally aren't separated and done under one scenario. Mr. Schwaiger stated, I don't disagree with that. Typically, they are done like that, however, can they be separated? If you are able to separate those two things and the township is able to waive the review then maybe you have a leg to stand on. Mr. Bowman believes that it shouldn't be a problem, they haven't changed the sanitary. Mr. Fiore stated he is referring to the fact that the township engineer and the planner have made these decisions, it's a board decision. They can give recommendations and I'm sure the board will follow the recommendations but they still must go through the process. Mr. Bowman stated what they already signed does exist.

Mr. Bowman stated the easement that has been approved doesn't change on the new plans. I can get that easement and work to get the township to accept the easement as part of the revised plans. Mr. Fiore stated I am trying to legally figure this out, it's an easement in a legal description on a plan that has not been filed with the county. Mr. Bowman stated the easement that exists was the easement that was submitted as part of the original set of plans and it will not change. I can get a letter that it will not change. Mr. Fiore stated that it still doesn't get the township to sign off on your plans. Mr. Bowman stated they were already signed; they are changing something else.

Mr. Schwaiger stated you must go back to the planning board, possibly get a special meeting and ask them to separate out the storm water/sewer or whatever eliminate you are doing and try and get separate approval on those elements. Mr. Bowman stated I have a set of plans that are signed that show the sewer easement exactly where it is. Mr. Schwaiger stated, I agree with you if you think it's going to be that way. Your case is with the planning board. You must ask if I have four elements in this plan, three of the four were approved can I proceed with those and get a planning board approval on those three out of four. If you get those approved then that last thing you can wait three or four months and you already pushed that in your construction than who cares, you are getting those three elements

built. You must go through the planning board because we can't give you approval here until you have planning approval.

Mr. Bowman stated we do have a set of plans with approval that show the easement that went through the planning board and received final approval. That easement and the current sewer approved by you in Form B haven't changed.

Mr. Marino questioned the two to fourteen basins, is there an HOA here? Mr. Bowman stated, yes there will be. If we go before the planning board with whatever plans we have that have been approved by the MUA, with the sewer easement remaining the same and the planning board understand the whole Pineland situation and understands we are coming in with a set of plans for amended preliminary and final, they agree that the easement is not part of something they have a problem, can I supply you with that easement along with their review that the easement is not changing. Mr. Neri stated I think if it's not in conformity with Form C the answer is probably going to be no.

Mr. Spratt stated as I mentioned earlier when the Form C was submitted, I received two different sets of plans and one of them didn't show the water going to Fryers Lane. It showed back the way it was six months ago going to Christina Lane. If we approve this what am I approving? Since that letter went out last Thursday, now I received a third set of plans that were delivered the day before yesterday. I haven't even looked at them yet.

Mr. Bowman stated what you got was the original signed set of plans that came out of the preliminary and final approval. Mr. Spratt stated the way I look at this is when I get the plans to construct, the only thing I'm looking at in regard to the township is if there are any conflicts with storm sewer or landscaping. If there is a storm sewer going through a water main, I have a problem with that. Other than that, I don't care if they sign their plans. I know the builder can't build until they are signed off on. I look at it with respect to consistently and what this board has already looked at and approved. We go through every set of plans that come through here. I have an older set of plans with a water main going through a place we did not approve of. The set I received on Monday I still haven't looked at.

Mr. Bowman stated the set of plans and the planning board recognition that the easement is approved for where it is, is that what you need? Mr. Neri stated a complete set of plans.

Mr. Neri stated in the condition we are in now, and the current situation, I think you have a little bit of leg work. Councilman O'Reilly can possibly talk to certain people and make a meeting happen quickly. If you need information from us, I am sure Mrs. Mahoney and Mr. Cossabone are more than happy to help.

A motion was made by Mr. Marino and seconded by Mr. Schauer to close the meeting to the public. The motion passed unanimously.

Mr. Marino moved Resolution No. 71-25 – Resolution adopting the 2025-2026 Water/Sewer Budget and Water/Sewer Capital Budget. Mr. Schauer seconded the motion, which passed unanimously on a roll call vote.

Approval of Minutes

A motion was made by Mr. Marino and seconded by Mr. Schauer to adopt the minutes of the Regular Meeting of April 16, 2025. The motion passed on a roll call vote with Mr. Schwaiger abstaining.

Engineer's Report

Mr. Schauer moved Resolution No. 73-25 – Resolution for the Form D approval for Dollar General project. Mr. Marino seconded the motion, which passed unanimously on a roll call vote.

Mr. Marino moved Resolution No. 74-25 - Resolution for the Form A approval for Pine Estate of Monroe project. Mr. Schauer seconded the motion, which passed unanimously on a roll call vote.

Mr. Marino questioned how many units there will be. Mr. Spratt replied 73 units.

NJIB Project Report:

Mr. Roorda updated the Board on the NJIB Project. I do have some shop drawings to review for the Knights of Columbus tank painting; I am also working on items for Well 8 and Corkery Lane. I haven't heard back on Forest Hills. I have sent emails and left messages but no one is getting back to me. I assume we are okay, I don't know why they did a review as there shouldn't have been anything to review. I assume no news is good news.

Executive Director's Report

Mr. Schauer moved Resolution No. 75-25 - Resolution approving a two-year contract with Delta Dental of New Jersey, Inc. for a dental plan in the amount of \$59,000.00 per year. Mr. Schwaiger seconded the motion, which passed unanimously on a roll call vote.

Mr. Schauer moved Resolution No. 77-25 - Resolution approving a two-year contract with Mutual of Omaha for a life insurance plan in the amount of \$12,000.00 per year. Mr. Marino seconded the motion which passed unanimously on a roll call vote.

Mrs. Mahoney asked if anyone had any questions regarding the BOE case with the summary that I had sent out. I did speak with Mr. Marino this morning. Mr. Marino thanked Mrs. Mahoney for sending the email. Mrs. Mahoney stated after their conversation, she did send Mr. McBride an email and had not heard back. Mrs. Mahoney stated it is her opinion that this needle is not moving at all and I really do feel as though the board should consider entertaining a motion to take stronger measures. I propose the Board offer a special meeting for the public to comment on this topic if they want us to turn the water off or surcharge everyone and then reimburse them. There is no incentive for them to move forward and there has been no movement.

Mr. Marino stated there has been movement. I know from talking to the mayor, he had a meeting with the superintendent last week. In that meeting he said the superintendent was going to meet with his board and present to them some of the things you discussed at the meeting. He seemed very confident that it would happen in the coming weeks. I do feel that you're very close now coming to some understanding in this situation. To put anymore pressure on it right now to me would pull the sides apart further.

Mrs. Mahoney stated we can think about it more and see where we are at next month. Mr. Neri stated we can see what happens next month and possibly go into a closed session to discuss it a little further.

Mr. Schwaiger questioned, what is the risk to the MUA? You just said you recommended we take stronger action. One of the other board members made a counter to that and we decided to move to next month. Is there a risk between now and next month that occurs to the MUA? Mrs. Mahoney stated I believe there is. Mr. Schwaiger questioned if it's a reputational or financial risk? Mr. Mahoney stated I believe it's both. I think it's a reputational risk since their water has not been turned off. We were fortunate to have the meeting on April 2nd and it did move things a little bit but it's very clear there's no incentive. They have water and they don't have to pay their bills and no one is contacting us but we still have to pay the legal fees. Mrs. Mahoney stated we can't pause paying the legal fees.

Mr. Schwaiger questioned, is there a middle ground here? I think your email said in excess of \$700,000.00 dollars now. I have to believe that the board members nor superintendent is walking around with that money in their back pocket. The money has to be somewhere since its taxpayer's money. It is tied to the Federal, State, and local funds. Is there any opportunity to get in front of an arbitrator now instead of keep paying these legal fees that your describing and recover some of our money? There must be some acknowledgment that they owe the MUA some fraction of the bill here. Maybe it's not the full \$700,000.00 but maybe it's \$300,000.00 as a show of good faith. I can't help but to say I warned you guys not to get involved as board members. You have a legal fight going on now and now you have a board negotiation so hopefully those two don't come in conflict. If they do as board members, I will take what the lawyers say and not what the school board or MUA board members decide.

Mr. Schwaiger questioned how much money do you have invested in litigation right now. Mrs. Mahoney stated at least \$120,000.00. Mr. Schwaiger stated, we are north of \$700,000.00 and we are going to punt for another month. That doesn't seem good. Mr. Fiore stated, the legal process is going to go on

forever. I am surprised that this hasn't been sent to mediation yet. They either have a retired judge or an experienced attorney to mediate things or if both parties agreed to go to binding mediation. You

would get a private mediator and take it out of the court system. You would stay on discovery and go to binding mediation. This is a case that should settle as no one is going to win, everybody is losing.

Mr. Schwaiger stated, we are losing interest on the money as well. We are running a business and its unfortunate but the business office isn't getting the job done. If you followed your process and you documented it and you tried to get your money, it got elevated to litigation than that's all the MUA can do. At that point, if you have an attorney that you hired and they advise you to do something, normally you don't disagree with that. We have this high power attorney from Philadelphia who is telling us, shut their water off or threaten to shut their water off or you will have the burn go onto the ratepayer. I am a rate payer and taxpayer, I'm not going to get double banged for that, until it gets solved, I pay it? Any other rate payers on the board pays it too because we have this fear. It's not the board shutting the water off, it's the MUA shutting the water off. It's the business part of it. We have to be able to separate that. I'm sorry you want to walk around town with your head held high at Wawa or you want to do the right thing in a business sense. If this was your business and your money you would probably want to act in a certain way. Take your emotions out of it.

Mr. Marino stated, good luck going to Wawa and explaining your just a board member when the water is shut off. Mr. Schwaiger stated, the water has not been shut off, you don't know how they are going to react to that, what you have done is talked to them a bunch and you know how they are reacting to that. They aren't doing anything about it.

Mr. Marino stated it seems to me that the meeting was productive and there was some information that was supposed to be given to Mrs. Mahoney and it hasn't got to her in a timely fashion. That is still the case, we all know some people are proactive and some people are not proactive. Mr. Marino stated when I want to get something done, I will email 3 or 4 times a day. I am a certain type of person that way but she shouldn't have to. I agree Mrs. Mahoney has done everything in her power to try to resolve this and it's unfortunate but I feel that we may be close to the finish line on this and to upset the whole apple cart over a month or six weeks when it's been going on for over a year. To me the risk reward is not worth it to go to the mats over this right now. Other people may feel like the gloves are off and turn the water off.

Mr. Schwaiger stated it's a majority board, this board is giving the MUA top cover to spend on all of these attorney fees to solve this. As long as this goes on, we are paying attorney fees. Mr. Marino stated we are paying them because apparently the board is creating action for us to have to pay these fees. Mr. Schwaiger stated, they aren't going to shut the water off. Mr. Marino stated that was supposed to be the understanding and I don't know if that was not understood correctly, maybe Mr. Fiore can say something can be said to them. Mr. Schwaiger stated Mr. Fiore has to advise the board on how to act appropriately, what you're asking is the right question. We all have our own professional opinions, if we decide we are going to chill for a month, the meters are still running. Unless there's a way we can stop that with the attorneys over at the school board. Mr. Fiore stated there must be an agreement between the attorneys, to ask the courts to stay at discovery because when litigation is starting it's giving a discovery deadline depending upon the complexity of litigation, discovery can occur for a year.

Mr. Schwaiger questioned why we can't get to arbitration, remove the attorneys and we get \$250,000.00 paid towards the bill as a show of good faith in this negotiation that we are having. Mr. Fiore stated that it would have to be negotiated between the attorneys and approved by the board. Mrs. Mahoney questioned is that something that would be appropriate for me to go to the attorney and say we are requesting this? Mr. Fiore stated yes, it would be considered going to mediation.

Mr. Schauer questioned, if we go to mediation, how long could it take? Mr. Fiore stated three to four months. Mr. Marino requested Mr. Fiore to reach out to the attorneys and superintendent in regard to this. Mr. Schauer questioned for mediation, our attorney and the school board's attorney will have to get together and agree on it? Mr. Fiore replied yes and agreed on a mediator.

Mr. Neri stated I was at the meeting; I thought it went very well. We showed how the school board could simply adjust their monthly figures so they are correct to really negate a lot of their bill by figuring in absences, changing numbers for the summer. Just ways where we don't have to do anything and our

systems remain intact. Showing it's not arbitrary, that the state tells us if a school has this or that, it tells us how to charge.

Mr. Neri stated I agree with Mr. Marino, I don't want to rock the boat, if they are a week away from saying let's figure this out, we want to be proactive and figure it out fairly. Mr. Schwaiger stated I'm satisfied with your recommendation to wait.

Superintendent's Report

Mr. Marino moved Resolution No. 72-25 – Resolution approving a Service Agreement with Foley Power Systems for generators located on Melva Lane and Aberdeen Road through the Educational Services Commission of New Jersey CO-OP ESCNJ 22/23-46 for the period covering July 1, 2025, through June 30, 2026, in the amount of \$16,783.43. Mr. Schauer seconded the motion, which passed unanimously on a roll call vote.

Chairman

Mr. Neri stated a friend of his had some sewer issues at his house a few weeks ago and he said how great the guys did. He said to let them know thank you, they went above and beyond and our guys do a lot of great public relations. They didn't have to help him but they made sure they did.

Liaison Report

Councilman O'Reilly stated in regard to the Hexa Builders redevelopment council adjusted the redevelopment plan to allow different uses for that potential property. The developers are still waying their options. We approved a change to the redevelopment plan to allow data centers. Data centers use mass amounts of water for cooling; megawatts size for power. You hear about the cloud, the cloud goes to these data centers throughout the world, it's starting to be a very big industry right now because as wireless technology, all this data has to be stored somewhere. This is the new way for the next 10-15 years. The developer asked if we would entertain allowing that major uphill project for them.

A motion was made by Mr. Schauer and seconded by Mr. Schwaiger to approve the Treasurer's Report. The motion passed unanimously on a roll call vote.

A motion was made by Mr. Marino and seconded by Mr. Schauer for approval of the Bills. The motion was passed unanimously on a roll call vote.

Solicitor's Report

Mr. Fiore had nothing to report.

Mr. Marino moved Resolution No. 76-25 - Resolution authorizing Closed Executive Session of the Monroe Municipal Utilities Authority to discuss matters falling under attorney-client privilege pursuant to N.J.S.A 10:4-12b(7). Mr. Schauer seconded the motion which passed unanimously on a roll call vote.

Mrs. Rutter read the Closed Session Opening Statement "The Monroe Municipal Utilities Authority shall hold a closed meeting from which the public shall be excluded on May 21, 2025, during the Monroe Municipal Utilities Authority meeting. The general nature of the subject to be discussed at said closed meeting shall be related to N.J.S.A. 10:4-12b(7), Attorney-Client Privilege, to the extent that confidentiality is required in order for the attorney to exercise his/her ethical duties as a lawyer. The minutes of said closed meeting shall be made available for disclosure to the public consistent with N.J.S.A. 10:4-13, when the items which are subject of the closed session discussion are resolved and a reason for confidentiality no longer exists.

A motion was made by Mr. Schwaiger and seconded by Mr. Schauer to come out of Closed Session.

A motion was made by Mr. Marino and seconded by Mr. Schwaiger to adjourn the meeting. The motion was passed unanimously.

Respectfully submitted by: Katie Seeley
Katie Seeley

Approved at the meeting on June 18, 2025

Attest by Merdy Mahony
Assistant Secretary