

BOROUGH OF BUENA  
MUNICIPAL UTILITIES AUTHORITY  
P. O. BOX 696  
MINOTOLA, NEW JERSEY 08341

The regular meeting of the BBMUA was held on January 22, 2020 at 7 p.m. This meeting notice was provided to The Daily Journal and the Atlantic County Record which are the BBMUA's official newspapers. Notices are also posted on the bulletin boards within the Municipal Building as well as the Borough of Buena and BBMUA's websites. The meeting took place in the large meeting room located in the Municipal Building, Minotola.

The meeting was called to order by Chairman Joseph Santagata.

Those present were:

R. Baker	C. Santore	Michael Fralinger
R. Delano	A. Zorzi	John Caselli Jr.
J. Formisano	R. Smith	Frank Lovering 611 W. Summer Ave
J. Johnston	R. Casella	
J. Santagata	S. Testa	

m/Baker s/Delano to adopt resolution R-5-2020 authorizing a meeting of the Borough of Buena Municipal Utilities Authority closed to the public to discuss matters that include possible litigation and attorney client privilege pursuant to N.J.S.A. 10:4-12(b)(7).  
m/passed

m/Baker s/Delano to open the executive closed session meeting at 8:02 pm.  
m/passed

m/Baker s/Formisano to close the executive closed session meeting and return to regular session at 8:45 pm.  
m/passed

Mr. Frank Lovering of 611 W. Summer Avenue was in attendance at tonight's meeting to discuss a sewer problem he had at his home. Mr. Lovering purchased the home on September 19, 2019 and began smelling a sewage smell in December 2019. There was a sewer stop plug in his sewage line which was removed on January 17, 2020 and sewer has backed up into his crawl space. Mr. Zorzi stated that Mr. Lovering had called last week and asked to have a mark out for his water and sewer. Mr. Lovering told Mr. Zorzi that he was having gurgling in his system and asked if they could come out. Mr. Lovering stated he wanted to fix the pipe in his house because it was going to collapse. When one of the men from the plant went out to do the mark out he found a sewer plug in the line. Mr. Zorzi then called the office to see if there was a shut off there. There was a

shut off scheduled in 2014 when the home was owned by Mr. Charles Howell. Mr. Howell stated the home was being foreclosed on and that he was not living at the home so instead of shutting off the sewer the water was shut off to prevent pipes from breaking and any water leaks while the home was empty. The home was sold in May 2017 to Allison James who lived there for a little over 2 years prior to selling the home to Mr. Lovering in September of 2019. When Mr. Lovering called that was the first sewer complaint Mr. Zorzi has ever had for that property and there was someone living there for two years prior to Mr. Lovering purchasing the property. If we have a sewer shut off the plug would prevent the sewer from going into the system. Typically once the sewage and used water goes down it fills up the sewer pipe until it eventually backs up into your sinks and tub and you won't be able to flush the toilet or shower, etc. not backup into the crawl space and come out the foundation. Mr. Lovering feels he is the victim because he purchased a house with a stop plug installed and wasn't aware of it. Mr. Lovering feels the house is unsanitary since there is sewer in his crawlspace and going through his foundation and wants the situation rectified. Chairman Santagata asked if Mr. Lovering reported this to his homeowners insurance. Mr. Lovering stated he did report it to his homeowners insurance as a collapsed pipe. Mr. Lovering fixed the pipe and the sewer still was not going down. He stated he spoke to his plumbing buddies and they said it doesn't make sense and that is when Mr. Lovering called for a mark out of his sewer and water lines and our plant employee found the sewer plug in the line. Chairman Santagata asked if Mr. Lovering has obtained any prices for cleaning up the crawl space and Mr. Lovering stated he has not. Chairman Santagata asked our Solicitor Robert Casella what the BBMUA's responsibility is. Mr. Casella stated that the situation needs to be evaluated to see what it is. We need to see if we were the ones who installed the plug in the line. Mr. Casella asked Mr. Zorzi if we could assist in having it removed. Mr. Zorzi stated that they removed the plug. Mr. Zorzi stated we have no record of installing the plug per Cheryl in the office. Ms. Cheryl Santore stated that in the notes on the account Mr. Howell had stated that the house was going into foreclosure per Mr. Howell who was the owner in 2014 and therefore we would shut off the water instead of the sewer. Mr. Lovering asked if they would have installed a stop plug before sending them out to shut off the water. Mr. Zorzi stated that we do not just go out and install stop plugs. Mr. Zorzi stated the biggest question here is was that plug installed since 2014 or was that plug installed by someone else. On the sewer bill it states that the BBMUA is not responsible for damages caused by sewage backup resulting from plumbing problems inside the curb line. We have no way of knowing if that is our plug. What we do know is that the first time we had a sewer complaint we went out and found the problem that there was a plug in there. Mr. Zorzi stated that if plug was put in from 2014 and 7,000 gallons per quarter were used where was all the sewage going. We had never had a sewer complaint from that property before now. It could have been partially inflated so some sewage was flowing through but we don't know that. Mr. Zorzi stated he keeps a log of all issues reported and he has never had a report for this address in the past. Mr. Casella stated that Mr. Lovering should follow his claim with his insurance company through and see what happens with that. If Mr. Lovering's insurance company feels that the BBMUA is the responsible party they will contact us and try to collect from us.

Mr. Michael Fralinger of Capizola, Pancari, Lapham & Fralinger was in attendance at tonight's meeting with his client Mr. John Caselli Jr. regarding the letter that he had sent requesting reimbursement for 3 sewer hookups that were purchased in 2004 for utilization at the property known as Block 201 Lot 39 (714 S. Harding Highway) in the amount of \$7,212.00 by Caselli & Caselli Development Co., LLC. Back in 2004 Caselli & Caselli Development purchased 8 sewer hookups for utilization at the retail strip center they were building. Upon completion of construction of the retail strip center only 5 of the 8 sewer hookups were required based upon the configuration of the strip center. At the time the connections were purchased Mr. Gary Labo was the Board Secretary at the time and when asked how many sewer connections will be required and they said the most they would need would be 8 but it could be less. According to Mr. Caselli, Mr. Labo told him to purchase 8 connections and whatever he doesn't use bring back and the BBMUA will refund them. Mr. Caselli purchased 8 units and didn't know he wouldn't be using all 8 until recently and the reason for that is because there are long term tenants in the retail shopping center. In 2018 they were fortunate enough to have a buyer for the shopping center and self-storage facility. So at that time when they sold the retail strip center they sold the 5 with the strip center and now have no use for the other 3 units. Therefore, Caselli & Caselli Development Co., LLC is looking for a refund for those 3 sewer connections at \$2,404.00 each for a total of \$7,212.00. Mr. Formisano asked Mr. Caselli if Mr. Labo stated there would be a refund if the units weren't used. Mr. Caselli said yes he did. Mr. Formisano asked the BBMUA Solicitor Robert Casella if Mr. Labo had the authority to say that without coming to the board. Mr. Casella stated that Mr. Labo did not have that authority and that there was not a stated policy at the time nor does he think there ever was a policy. Mr. Casella stated that BBMUA Board can do whatever they want in this instance. If there is a capacity matter, the Board can weigh that in their decision. The Board can certainly resell them to another person that comes along for the going tap in rate. But certainly the Board is not obligated to purchase the units back and refund the money. Chairman Santagata asked if Mr. Caselli could sell them to someone else. Mr. Casella stated that he could not and that Mr. Caselli could not even use them on another property. Mr. Fralinger stated that has been done in the past at this Authority. Mr. Casella stated it is not supposed to be done. Mr. Fralinger stated he was going through some of the Borough's records and in 2004 he doesn't believe there was an agreement in place that would be executed by commercial application customers. If there was the Caselli's never executed one. He believes that came into existence after 2004. It is interesting because in that commercial allocation agreement under section 3 there is a provision in there that indicates a developer will pay connection fees for the number of EDU's allocated in accordance with Authority's fee schedule and all connection fees for each phase of the project will be paid to the Authority no later than 45 days from the date of the agreement. There is a section that says in the event that the developer does not obtain a building permit for all of the project the Authority may reallocate any water and sewer capacity allocation which shall have been rescinded pursuant to subsection C of the agreement to another qualified applicant pursuant to Authority policy and the Authority shall thereafter refund the developer the connection fees paid. So Mr. Fralinger feels there is an inference at the very least within the Board's policy that unused sewer connections would be returned and refunded. Chairman Santagata asked that they were purchased in 2004 and we have be holding Mr. Caselli's

money for all those years. Mr. Johnston asked that Mr. Caselli didn't know 16 years ago that he wasn't going to use those 3 other connections. Mr. Fralinger stated that at that time no because there were a lot of long term leases that were entered into. Especially the Family Dollar which takes up half of the premises and that is a very long term lease. At the expiration of that long term lease which is in 20 to 25 years at this point and time if the then owner of the property at that time wants to divide up that section of the Family Dollar they will have to come back to the Board and request additional tap ins at the rates that are being charged at that time. Mr. Zorzi stated that Mr. Caselli was holding onto that allocation for 16 years where we couldn't use it for that long. Shouldn't there be a realistic time frame to come back to the board. Mr. Fralinger stated that the BBMUA did put that policy in place but in 2004 that policy didn't exist so the rules of 2004 apply to these 3 connections. Mr. Delano stated that at this point and time these 3 units aren't really something we need. With the new allocation that is on the table to be had we will be gaining an additional 200,000 gallons of capacity at the plant and these become a lot less valuable to us. There were times when the Board would have been very glad to do that but now they aren't so appealing. Mr. Caselli stated the only reason he didn't come back in the last 16 years is because Gary Labo told him that if you don't need the units we will refund your money. That is the catalyst that made Mr. Caselli purchase 8 instead of 5. That is why he is asking for his money back for the 3 units. Mr. Johnston asked why he didn't sell the additional 3 units to the person who purchased the retail strip from him. Mr. Caselli stated that will be the new owner's problem to come to the board to ask for the additional units and for the Board to sell him the units if they are available if and when he decides to need additional connections.

m/Formisano s/Baker to refund the 3 unused sewer units that were purchased for Block 201, Lot 39 in the amount of \$2,404.00 each for a total of \$7,212.00. m/passed

Robert Smith of Remington & Vernick stated the Capacity Analysis Report that was submitted on behalf of the BBMUA has been reviewed by the NJDEP and a letter was received from Tracy Shevlin, Section Chief of the State of New Jersey DEP Bureau of Environmental, Engineering & Permitting regarding the Capacity Analysis Report. Remington & Vernick is reviewing the NJDEP's comments and are working to address those comments.

Chairman Santagata reminded the board members that the NJMEL is holding the Elected Officials Liability Seminar on Wednesday, January 29, 2020. If anyone is interested in attending please let Cheryl Santore know and she will register for you to attend.

Secretary Cheryl Santore informed the board that the 2020 AEE Membership Dues invoice has been received in the amount of \$3,536.00 for the year.

m/Delano s/Johnston to approve the AEA Membership Dues Invoice in the amount of \$3,536.00. m/passed

The annual letter from the State of New Jersey Division of Pensions & Benefits regarding the 2020 Employer Liability for the Annual Pension Contribution to PERS was received. This will be paid on April 1, 2020.

m/Baker s/Johnston to approve the minutes of the regular meeting held on January 8, 2020  
m/passed

Plant Superintendent Alan Zorzi let the board know that he attended the Atlantic County public meeting today to amend the water quality management plan for the County with Dennis Yoder and Robert Smith of Remington & Vernick. The amendment was approved and there were no public comments. The final approval will be at the February Freeholders meeting.

Jim Baals will be out for two weeks for knee surgery and we will be short one person at the plant.

Mr. Zorzi received a phone call from English Septage. They are looking to bring liquid sludge to the plant to the septage receiving station. They are looking to bring 2,000 gallons every six to eight weeks. It would bring in about \$140.00 per load. Liquid Sludge is a little harder to process and one thing we request is analytical data if they have anything but they do not have any. Mr. Zorzi contacted the State today because it would be coming from DayTop Village in Pittsgrove. Mr. Zorzi is concerned with bacteria that could get into the plant and cause issues. Mr. Zorzi asked the board's opinion on the matter. The board said it doesn't sound like something we would want and if it is going to cause additional wear and tear on the equipment then we may not want it. The board told Mr. Zorzi to do what he thinks is best.

m/Baker s/Delano to file all correspondence sent out for review without reading number 1 through number 5.  
m/passed

The next regular meeting will be held on February 12, 2020 at 6:00 p.m. This is our annual reorganization meeting and begins at 6:00 p.m. instead of the normal 7:00 p.m.

m/Delano s/Johnston to adjourn the meeting 8:46 p.m.  
m/passed

Submitted by  
Cheryl Santore-BBMUA Secretary