

**MINUTES
HARDYSTON TOWNSHIP
MUNICIPAL UTILITIES AUTHORITY
October 4, 2021**

The meeting of the Hardyston Township Municipal Utilities Authority was held on Monday, October 4, 2021 at 7:00 p.m., at the Municipal Building located at 149 Wheatsworth Road. Members present were: Mr. Cicerale, Mr. Kula, Mr. Marples, Mr. O’Grady, and Mr. Bazelewich. Also present Mr. Ryan Scerbo, Mr. Michael Vreeland, and Mrs. Carrine Kaufer.

After salute to the flag, Mr. Cicerale stated compliance with the Open Public Meetings Act.

Minutes: A **MOTION** was made by Marples seconded by Kula, to approve the minutes of the September 13, 2021 meeting. In favor, Cicerale, Kula, Marples, and O’Grady.

OLD BUSINESS:

INDIAN FIELDS:

Phase II As- Built Plans-Mr. Vreeland provided an update on the well and the status of the Corrective Action Plan. He indicated the state has a concern with the potential ground water under the influence of surface water and also the proximity of the wells to the surface water. He reported additional treatments and modification will be required and indicated a sampling plan is being worked on.

Bonds- Nothing at this time.

CRYSTAL SPRINGS:

Shotmeyer Tract/Bypass- Mr. Vreeland reported the resolution and application has been signed and delivered to Tom Graham who will be working with SCMUA.

Irrigation – Mrs. Kaufer said she has not heard back from Crystal Springs and said it doesn’t seem that they are interested in reconnecting at this time. She reported Crystal Springs would have to take the old plans to an irrigation company and come up with a new proposal. Mr. O’Grady said it may have been passed down to the Associations and doesn’t feel that Crystal Springs is going to move forward any time soon.

OPERATIONAL CONSIDERATIONS/METERING/STRATEGIC PLANNING:

Conversion to a Meter Based Billing System – Nothing at this time.

Asset Management Plan – Mr. Vreeland presented the Draft Asset Management Plan. He discussed estimated system replacement cost for Crystal Springs, Indian Field and the North Church Technical Center. He pointed out that the storage tanks are a small replacement cost but

indicated they are critical to the operation of the system. He recommended implementing a regular inspection program to help maintain the operating system on the tanks. He said the program will include resurfacing and recoating the tanks. He also discussed the existing issues with Well #3 located in Indian Field. The plan also makes recommendations to replace the meters in both Indian Field and Crystal Springs due to the age of the meters and the desire of the MUA to convert to meter based billing.. He reported DPW should continue locating water shutoffs and also continue marking the curbs for shut offs in the event there is ever an emergency. He stated the age and replacement cost of the water main systems was observed and said to stay in compliance with the Water Quality Accountability Act he recommends a 90K authority annual budget for the 150 year replacement cycle. Mrs. Kaufer discussed the funding that is available to install new meters and reported that the meters may qualify as a clean water project.

Fixed Assets/Developer Conveyance – Nothing at this time.

New Business:

A **MOTION** was made by O’Grady and seconded by Marples to adopt the **Resolution of the Hardyston Township Municipal Utilities Authority Authorizing the Release of the Performance Bond Associated with Crystal Spring Builders, LLC Oaks East and Wentworth Developments.** In favor, Cicerale, Kula, Marples, O’Grady, and Bazelewich.

A RESOLUTION OF THE HARDYSTON TOWNSHIP MUNICIPAL UTILITIES AUTHORITY AUTHORIZING THE RELEASE OF THE PERFORMANCE BOND ASSOCIATED WITH CRYSTAL SPRINGS BUILDERS, LLC OAKS EAST AND WENTWORTH DEVELOPMENTS

WHEREAS, the Hardyston Township Municipal Utilities Authority (the “Authority”) owns and operates a water supply system and a wastewater conveyance system servicing the residents of Hardyston Township (collectively the “Systems”); and

WHEREAS, Crystal Springs Builders, L.L.C., a New Jersey limited liability company, having its principal office at 3621 Route 94, Hamburg, New Jersey 07419 (“CSB”) is the developer of certain real property located in Hardyston Township, Sussex County, New Jersey, designated on the Hardyston Township Tax Map as Block 16.22 Lots 1-5 as depicted on a Final Subdivision Plat entitled “THE WENTWORTH” – Phase 2 and “THE OAKS”, BLOCK 16.22- LOT 1, BLOCK 16.02- LOTS: 1 & 30, CRYSTAL SPRINGS ROAD, TOWNSHIP OF HARDYSTON, SUSSEX COUNTY, NEW JERSEY,” prepared by Dykstra Walker Design Group, P.A., dated March 31, 2005 and last revised to May 3, 2005 and filed with the Sussex County Clerk’s Office on May 26, 2005 as Registered Map # 1394 , and otherwise referred to in a deed into CSB from Crystal Springs Acquisition, L.L.C., dated September 24, 2004, recorded October 20, 2004 in

the Clerk's Office of the County of Sussex, New Jersey, in Deed Book 3243, page 48, and a deed into CSB from Crystal Springs Acquisition, L.L.C., dated June 2, 2005, recorded June 7, 2005 in the Clerk's Office of the County of Sussex, New Jersey, in Deed Book 2935, page 306 (the "Oaks East" and "Wentworth"); and

WHEREAS, CSB has completed and/or installed the sanitary sewer collection system improvements, water system improvements and equipment (hereinafter referred to as the "Completed Improvements") and as shown on a Plan entitled , "AS BUILT PLAN OF THE OAKS, BLOCK 16.22, LOTS 1-5, WHITE OAK COURT, TOWNSHIP OF HARDYSTON, SUSSEX COUNTY, NEW JERSEY"; dated June 29, 2006 and last revised to November 4, 2009, AND "HTMUA UTILITY EASEMENT PLAN, THE OAKS, BLOCK 16.22, LOTS 1-5 & 30" dated March 13, 2020, prepared by Dykstra Walker Design Group, P.A., needed to serve the housing units in the Oaks (also referred to as Oaks East) section of the Crystal Springs development and Authority has inspected and approved the Completed Improvements; and

WHEREAS, CSB has completed and/or installed the sanitary sewer collection system improvements, water system improvements and equipment (hereinafter referred to as the "Completed Improvements") as described on a Plan entitled, "AS BUILT PLAN OF THE WENTWORTH, BLOCK 16.22, LOTS 6-27, WENTWORTH COURT AND BRAMBLE COURT, TOWNSHIP OF HARDYSTON, SUSSEX COUNTY, NEW JERSEY"; dated June 29, 2006 and last revised to February 12, 2020, prepared by Dykstra Walker Design Group, P.A. needed to serve the housing units in the Wentworth section of the Crystal Springs development and the Authority has inspected and approved the Completed Improvements; and

WHEREAS, CSB has conveyed the Completed Improvements and perpetual rights of access to and egress from, and rights to maintain, repair, replace, alter, improve and modify the Completed Improvements for both the Oaks East and the Wentworth to the Authority for \$1.00 and the Authority has accepted same via Resolutions; and

WHEREAS, in connection with the Oaks East and Wentworth developments, CBS posted performance security in the form of a Performance Bond and a cash amount; and

WHEREAS, now that the Authority has declared the Oaks East and Wentworth developments complete, CSB has requested that the Authority release the Performance Bond; and

WHEREAS, the Authority and CSB agree that the cash amount will remain held by the Authority until such time as the sewer main force main discharge manhole is cleaned, repaired and coated to the satisfaction of the Authority's General Consulting Engineer; and

WHEREAS, the Authority's General Consulting Engineer has provided a letter attached hereto as **Exhibit A** in which the Engineer notes that he has no objection to CSB's request; and

NOWHEREFORE BE IT RESOLVED, by the Board of Commissioners of the Hardyston Township Municipal Utilities Authority that:

1. The Administrator is authorized and directed, based upon the General Consulting Engineer's letter, to release the Performance Bond provided by CSB in connection with the Oaks East and Wentworth.
2. The Administrator is directed to retain the cash portion of the CSB performance security associated with the Oaks East and the Wentworth until such time as CSB addresses _____ to the satisfaction of the Authority's General Consulting Engineer.

A MOTION was made by Kula and seconded by O'Grady to adopt the **Resolution to Join (Renew) the Statewide Insurance Fund**. In favor, Cicerale, Kula, Marples, O'Grady, and Bazelewich.

STATEWIDE INSURANCE FUND

RESOLUTION TO JOIN (RENEW) THE FUND

WHEREAS, a number of local units have joined together to form the Statewide Insurance Fund ("FUND"), a joint insurance fund, as permitted by N.J.S.A. 40A:10-36, *et seq.*; and

WHEREAS, Hardyston Township MUA (HTMUA) ("LOCAL UNIT") has complied with relevant law with regard to the acquisition of insurance; and

WHEREAS, the statutes and regulations governing the creation and operation of joint insurance funds contain elaborate restrictions and safeguards concerning the safe and efficient administration of such funds; and

WHEREAS, the LOCAL UNIT has determined that membership in the FUND is in the best interest of the LOCAL UNIT.

WHEREAS, the LOCAL UNIT agrees to be a member of the FUND for a period of three (3) years, effective from **January 1, 2021** terminating on **January 1, 2024** at 12:01 a.m. standard time; and

WHEREAS, the LOCAL UNIT has never defaulted on claims, if self-insured, and has not been canceled for non-payment of insurance premiums for two (2) years prior to the date of this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the LOCAL UNIT does hereby agree to join the Statewide Insurance Fund; and

BE IT FURTHER RESOLVED that to the extent required by law, the Local Unit shall provide notice of the Indemnity and Trust Agreement to the Office of the State Comptroller; and

BE IT FURTHER RESOLVED that the LOCAL UNIT will be afforded the following coverage(s):

Workers' Compensation & Employer's Liability
Comprehensive General Liability
Automobile Liability and Physical Damage
Public Officials and Employment Practices Liability
Property
Inland Marine Boiler and Machinery
Crime-Faithful Performance and Fidelity
Pollution Liability
Cyber Liability
Non Owned Aircraft

BE IT FURTHER RESOLVED that the LOCAL UNIT's Fund Commissioner is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying the membership in the FUND as required by the FUND's Bylaws and to deliver same to the Administrator of the FUND with the express reservation that said documents shall become effective only upon the LOCAL UNIT's admissions to the FUND following approval of the FUND by the New Jersey Department of Banking and Insurance.

PAYMENT OF BILLS:

A MOTION was made by O'Grady and seconded by Marples to pay the bills, as per the bills list for October 4, 2021. In favor: Cicerale, Kula, Marples, O'Grady, and Bazelewich.

CORRESPONDENCE:

Nothing at this time.

OFFICER'S REPORTS:

Nothing at this time.

PROFESSIONAL'S REPORTS:

Administrator – nothing further

Operator – not present

Billing Clerk – nothing further

CFO – not present

Accountant – not present

Attorney – nothing further

Engineer – Mr. Vreeland reported that Bob and Ron had received prices regarding the sewer camera work that needs to be done. He is hoping to start implementing sewer cleaning and valve exercising soon. He also reported most of the new homes built in Crystal Springs have been sold and said this is a great increase for the customer base.

OPEN PUBLIC PORTION:

The meeting was opened to the public.

As there were no members of the public present, the meeting was closed to the public.

There being no further business, **A MOTION** was made by Kula to adjourn, meeting adjourned.

Respectfully submitted,

Karen Osellame

Recording Secretary