

Town of Newton Utility Advisory Board
April 21, 2009

The regular meeting of the Newton Utility Advisory Board was held on April 21, 2009 at 7:30pm at the Newton Municipal Building, 39 Trinity Street, Newton. Chairman Lawler called the meeting to order and the following members were present: Mr. Baldini, Mrs. Unhoch, and Mr. Lawler. Mr. Vrahnos and Mr. Caffery called ahead to be excused. Mr. William Grennille, Utility Superintendent, Ms. Dawn Babcock, CFO, and Mrs. Debra Millikin, Deputy Town Manager were also in attendance.

Mr. Lawler read the Open Public Meetings Act statement and then moved on to the approval of minutes from the February 17, 2009 meeting. Mr. Baldini stated he had an issue with the minutes. He indicated that at the February meeting he had discussed the budget being 8 million and 4 million for the utility and that paying half of the salaries for employees from the utility budget was not right. He indicated that he would be objecting to this and taking his objection to the Town Council. Chairman Lawler questioned the status of the delinquent water accounts. Mrs. Millikin indicated that all delinquent accounts have a payment plan or have been paid in full. At the next meeting there will be a new list generated. Mrs. Millikin indicated that she would update the minutes per Mr. Baldini's request. Mr. Baldini made a motion to approve the February 17, 2009 minutes and was seconded by Mrs. Unhoch. The minutes were unanimously approved by an "aye" vote.

Chairman Lawler moved to New Business. Mr. Lawler welcomed Sanford L. Hollander, Esq. to the Utility Board Meeting. Mrs. Millikin explained that with her becoming the new secretary and with some of the newer Board Members she felt it was important to have Mr. Hollander in attendance to go over the duties and powers of the Utility Board. Mr. Hollander explained that the Utility Board is an Advisory Board and that the duty is to advise the Town Manager with reference to all matters of the water and sewer for the Town of Newton. The Utility Board has no autonomy and the Town Council appoints members for a five year term. As a member of the Utility Board the issues that are brought to the Board are strictly water and sewer related. The Manager looks towards the expertise of the members and knowledge. Mr. Hollander indicated that members of the Utility Board can go to the Town Council as a member of the public not as a representative of the Utility Board. Mr. Baldini questioned why the Deputy Manager is here and not the Town Manager. Mr. Hollander indicated that the Manager may allow for someone else to represent him at the Board meeting. Mr. Hollander advised that the Utility Advisory Board reorganizes every year.

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At that time there is the appointment of a Chairman, Vice Chairman, and Secretary. Mr. Hollander indicated that the only matters the Board can deal with are those that are referred to the Board based on the utility. Mr. Hollander indicated that he has been Town Attorney for over 40 years and that during this time the Manger has always utilized the recommendations of the Utility Board. Mr. Baldini had raised a question earlier regarding salary and budget and Mr. Hollander indicated that the Utility Board has no authority over this matter. Mr. Baldini stated as a resident the budget should be fair and only paying for the utility. Mr. Hollander indicated that as an individual citizen, you can advise the Manager. He encouraged the Board to utilize Mrs. Millikin as a tool to advise the Town Manager. Mrs. Unhoch indicated that the salary issue is part of the budget and not part of the Utility Board. Discussion ensued on the rates. Mr. Baldini indicated that he would love to have a water rate reduction.

Mr. Hollander reiterated that the Utility Board can only make recommendations. Mrs. Unhoch questioned if a member of the Utility Board attends a Town Council meeting does she need to recuse herself. Mr. Hollander stated no because they are coming as a resident. Only recuse yourself when it is a matter of conflict. There being no other items for discussion Chairman Lawler thanked Mr. Hollander for coming. Mrs. Millikin indicated that this was good information for everyone and has given the Board some good direction.

Chairman Lawler moved to the next item under New Business request from utility customers. The first request was by Armond and Sharon Rossi. Mrs. Unhoch questioned if money was currently owed. Mrs. Millikin indicated they were on the shut off list but set up a payment plan. Ms. Babcock indicated they were current on their payment. Mr. Grennille indicated that the previous three quarters could be averaged to figure out the credit for this bill. Chairman Lawler stated he could not understand how long the property was vacant. Mr. Grennille indicated that water would be paid for and sewer would be reduced. Mr. Baldwin went out on this call. Chairman Lawler questioned if this had been determined to be caused by frozen pipes. Discussion ensued. Mrs. Unhoch indicated that this did not go through the sewer and she would recommend the granting of a waiver of the sewer portion. Chairman Lawler made a motion to table the request to the next meeting to find out when the Town responded and what was found when the Water Department responded. The motion was seconded by Mr. Baldini. The Board tabled the request by a unanimous "aye"

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vote.

The second request was for Edward and Joyce Barkowski. Chairman Lawler questioned if the Water Department was called out. Mr. Grennille indicated he could find this out. It was Mr. Grennille's understanding that the water was flowing out of the back of the house. Mrs. Unhoch indicated that all repairs were made by the homeowner. Chairman Lawler questioned how does this Board know the work was done properly? Chairman Lawler indicated he wanted one of the Water Department Personnel to go and verify the work is satisfactory. Chairman Lawler made a motion to table the request and was seconded by Mr. Baldini. The Board tabled the request by a unanimous "aye" vote.

The third request was for Project Self Sufficiency. Mrs. Millikin gave a hand out with the current account information and stated the request is for a refund. Chairman Lawler stated that the last request was due to a dispute over construction water. The Board went back and was more than fair on what was determined. Chairman Lawler would not approve and recommended this request be denied. He indicated that Board had recalculated in their favor from the last request. Chairman Lawler made a motion to the deny the request and was second by Mr. Baldini. Mrs. Millikin called the roll: Mr. Baldini – yes, Mrs. Unhoch – yes, and Chairman Lawler – yes.

The fourth request was for Kiernan and Meghan Gill. Mrs. Millikin explained that the bill was paid electronically on the last day on March 31st. The payment was not received by the Town till after the March 31st date. Mr. Baldini made a motion to deny the request and was seconded by Mrs. Unhoch. Mrs. Millikin called the roll: Mr. Baldini – yes, Mrs. Unhoch – yes, and Chairman Lawler – yes.

Chairman Lawler moved to Old Business. The first item was Andrew Mahowski. Mr. Grennille indicated the meter had been tested. Chairman Lawler stated the problem seems to be with the 4th quarter of 2008. He paid for the meter testing and seems as though quarters 1 -3 were low. Chairman Lawler made a motion to deny the request and was seconded by Mrs. Unhoch. Mrs. Millikin called the roll: Mr. Baldini – yes, Mrs. Unhoch – yes, and Chairman Lawler – yes.

Chairman Lawler moved to the next item under Old Business Water Filtration Plant Update. Mr. Grennille stated that the Filtration plant did a CIP two weeks ago and it went well. The water heater was changed out at the plant. The fire alarm system was upgraded

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due to some corrosion issues in the Hydro and Chlorine rooms. A whole new piping system was installed. The eagles had two chicks. Mr. Grennille indicated that Mrs. Millikin is a good liaison for the water department and that the unaccounted for water is down to 26% which is down from 35% last year. Chairman Lawler indicated that NFD 13D may require residential sprinklers. He discussed this issue with the Utility Board. Mrs. Millikin requested Mr. Lawler send an e-mail on this.

Wastewater Treatment Plant Update: Mr. Grennille stated that Town did pay the \$1,000 fine for the June 2008 limits. February 2009 the ammonia limits were high due to the cold weather and the roughing filter being turned off. Mr. Grennille indicated he contacted the NJDEP hotline and claimed an affirmative defense. NJDEP is requesting a solution to the upset and there is a conference call scheduled for tomorrow to discuss the matter further. The potential is there that a cover maybe required, which would be a capital expenditure of \$500,000 or more. It will be requested that NJDEP allow the Town to study this matter in order to evaluate the situation. Mr. Grennille also indicated the grit collector was drained and items were changed out and completed as routine maintenance. The primary tank is being drained and will have new fiberglass arms replaced.

Chairman Lawler thanked Mr. Grennille for all his cooperation and wished him well in his retirement. Each member of the Utility Board stated they would miss Mr. Grennille and wished him all the best.

Chairman Lawler asked if there were any other items. Mr. Baldini questioned how determination is made if a meeting is to be canceled. Mrs. Millikin stated that from now on before a meeting is canceled she will confirm with the Chairman.

There being no other business to discuss upon motion of Mr. Lawler and seconded by Mr. Baldini, the meeting was adjourned at 9:05 p.m.

RESPECTFULLY SUBMITTED,

Debra J. Millikin