

TOMS RIVER MUNICIPAL UTILITIES AUTHORITY

Meeting Number Eleven Hundred Seventy Eight

Agenda

February 23, 2016

The 2016 re-organization meeting of the Toms River Municipal Utilities Authority was held on Tuesday, February 23, 2016 at 4:30 P.M. at the office of the Authority, 340 West Water Street, Toms River, New Jersey 08753.

The following were present:

- Juan Carlos Bellu, Chairman
- Joseph Bilotta, Vice-Chairman
- Carmen Memoli, Commissioner
- Deborah Clement, Commissioner
- Charles Valvano, Alt. Commissioner
- Tariq Siddiqui, Alt. Commissioner
- Stephen Acropolis, Executive Director/Sec'y.-Treas.
- James Gluck, Esq., Counsel
- Rosemary Rosetto, Controller
- Nicholas Otten, Authority Engineer
- Bernard Rutkowski, Regulatory Compliance/Safety Officer
- Kelly Bellu, Administrative Bookkeeping Specialist
- Georgia Benyola, Executive Secretary/Assistant Sec'y.- Absent
- Virginia Haines, Ocean County Freeholder
- Frank Holman, Holman, Frenia & Allison, P.C.
- Spencer Merasch, JCP&L

The re-organization Meeting #1178 was called to order at 4:30 p.m., February 23, 2016 by Executive Director, Stephen C. Acropolis.

Mr. Acropolis, Executive Director, reported that in accordance with the Open Public Meetings Law, P. L. 1975, c. 231, notice of this meeting was posted on the Township Bulletin Board, the Authority Bulletin Board, filed with the Clerk's Office, and published in the Asbury Park Press.

Mr. Acropolis called the roll. Mr. Siddiqui, Mr. Valvano, Mrs. Clement, Mr. Memoli, Mr. Bilotta and Mr. Bellu were present. It was stated that Ms. Haines has resigned.

Election of Officers for 2016

Chairman

Mr. Acropolis asked for nominations for the position of Chairman.

Mrs. Clement nominated Juan Bellu to serve as Chairman for 2016 and it was seconded by Mr. Bilotta. A roll call vote was taken with Mrs. Clement, Mr. Valvano, Mr. Bilotta and Mr. Bellu all casting affirmative votes. Mr. Memoli abstained. Mr. Bellu thanked everyone for their support and proceeded to officiate the meeting.

Vice-Chairman

Mr. Bellu asked for nominations for the position of Vice-Chairman.

Mr. Valvano nominated Carmen Memoli to serve as Vice-Chairman for 2016 and it was seconded by Mr. Bilotta. A roll call vote was taken with Mr. Valvano, Mr. Bilotta, Mrs. Clement, Mr. Memoli and Mr. Bellu all casting affirmative votes.

Secretary-Treasurer

Mr. Bellu asked for nominations for the position of Secretary/Treasurer.

Mr. Bilotta nominated Stephen Acropolis to serve as Secretary/Treasurer for 2016 and it was seconded by Mrs. Clement. A roll call vote was taken with, Mr. Bilotta, Mrs. Clement, Mr. Memoli, Mr. Valvano and Mr. Bellu all casting affirmative votes.

Assistant Secretary

Mr. Bellu asked for nominations for the position of Assistant Secretary.

Mrs. Clement nominated Georgia Benyola to serve as Assistant Secretary for 2016 and it was seconded by Mr. Memoli. A roll call vote was taken with Mrs. Clement, Mr. Memoli, Mr. Bilotta, Mr. Valvano and Mr. Bellu all casting affirmative votes.

Assistant Treasurer

Mr. Bellu asked for nominations for the position of Assistant Treasurer.

Mr. Bilotta nominated Rosemary Rosetto to serve as Assistant Treasurer for 2016 and it was seconded by Mr. Memoli. A roll call vote was taken with Mr. Bilotta, Mr. Memoli, Mrs. Clement, Mr. Valvano and Mr. Bellu all casting affirmative votes.

Appointment of Professionals

Mr. Bellu went on to address the appointment of professionals for year 2016 and asked for a motion for General Counsel. A motion was made by Mrs. Clement and seconded by Mr. Valvano to award a professional contract to Gluck & Allen, LLC as General Counsel for year 2016 as presented in the resolution. A roll call vote was taken with Mrs. Clement, Mr. Valvano, Mr. Memoli, Mr. Bilotta and Mr. Bellu all casting affirmative votes.

The next professional appointment was for Labor Counsel. A motion was made by Mrs. Clement and seconded by Mr. Bilotta to award a professional contract to Citta, Holzapfel & Zabarsky for Labor Counsel for year 2016 as presented in the resolution. A roll call vote was taken with Mrs. Clement, Mr. Bilotta, Mr. Memoli, Mr. Valvano and Mr. Bellu all casting affirmative votes.

The next professional appointment was for Bond Counsel. A motion was made by Mrs. Clement

and seconded by Mr. Bilotta to award professional contracts for Bond Counsel to the following firms for year 2016 as presented in the resolutions:

Bathgate, Wegener & Wolf
DeCotiis, Fitzpatrick & Cole
Gluck Walrath, LLP
Hawkins, Delafield & Wood
Waters, McPherson, McNeil, P.C.
McManimon, Scotland, Baumann
Capehart Scatchard, Attorneys at Law

A roll call vote was taken with Mrs. Clement, Mr. Bilotta, Mr. Memoli, Mr. Valvano and Mr. Bellu all casting affirmative votes.

The next professional appointment was for Auditing and Accounting services. A motion was made by Mr. Memoli and seconded by Mr. Bilotta to award a professional contract to Holman, Frenia, Allison, P.C., for Auditing and Accounting services for year 2016 as presented in the resolution. A roll call vote was taken with Mr. Memoli, Mr. Bilotta, Mrs. Clement, Mr. Valvano and Mr. Bellu all casting affirmative votes. Mr. Bellu questioned the legality of Holman, Frenia, Allison, P.C. to perform accounting services, as it could be considered a conflict of interest. Mr. Gluck stated they do not perform accounting services for TRMUA and the professional contract title should be revised. Mr. Holman thanked the Board for their continued services with the company.

The next professional appointment was for Financial Consultants. A motion was made by Mrs. Clement and seconded by Mr. Memoli to award a professional contract to the following firms for Financial Consultants for year 2016 as presented in the resolution:

Acacia Financial Group
NW Financial Group, LLC
Phoenix Advisors, LLC

A roll call vote was taken with Mrs. Clement, Mr. Memoli, Mr. Bilotta, Mr. Valvano and Mr. Bellu all casting affirmative votes.

The next professional appointment was for Underwriter Consultants. A motion was made by Mr. Bilotta and seconded by Mr. Valvano to award a professional contract to NW Capital Markets for Underwriter Consultants for year 2016 as presented in the resolution. A roll call vote was taken with Mr. Bilotta, Mr. Valvano, Mr. Memoli, Mrs. Clement and Mr. Bellu all casting affirmative votes.

The next professional appointment was for Consulting Engineers. A motion was made by Mr. Bilotta and seconded by Mrs. Clement to award a professional contract to the following firms for Consulting Engineers for year 2016 as presented in the resolution:

Maser Consulting
T&M Associates
Remington & Vernick & Vena
Owen Little & Associates
D. Desmond Corp.
Hatch Mott MacDonald
Suburban Consulting Engineers
VanCleaf Engineer

A roll call vote was taken with Mr. Bilotta, Mrs. Clement, Mr. Memoli, Mr. Valvano and Mr. Bellu all casting affirmative votes.

The next professional appointment was for Depository Institutions- Custodial Services. A motion was made by Mrs. Clement and seconded by Mr. Valvano to award a Custodial Services to Ocean First National Bank for Custodial Services for year 2016 as presented in the resolution. A roll call vote was taken with Mrs. Clement, Mr. Valvano, Mr. Memoli, Mr. Bilotta and Mr. Bellu all casting affirmative votes.

The next professional appointment was for Depository Institutions- Commercial Banks. A motion was made by Mrs. Clement and seconded by Mr. Valvano to award a profession contract to the following firms for year 2016 as presented in the resolution.

Amboy National Bank
Investors Bank
TD Bank
Bank of America
JP Morgan Chase
Wells Fargo Bank
PNC Bank
Provident Bank
Sun National Bank
Santander Bank
Harmony Bank

A roll call vote was taken with Mrs. Clement, Mr. Bilotta, Mr. Memoli, Mr. Valvano and Mr. Bellu all casting affirmative votes.

Newspapers of Record

A motion was made by Mrs. Clement and seconded by Mr. Valvano to appoint the official newspapers of record for 2016. They are as follows:

- Asbury Park Press
- The Star Ledger
- Ocean Signal

A roll call vote was taken with Mrs. Clement, Mr. Valvano, Mr. Memoli, Mr. Bilotta and Mr. Bellu all casting affirmative votes.

2016 Annual Meeting Schedule

Mr. Bellu asked for a motion to adopt the 2016 Annual Meeting Schedule. A motion was made by Mr. Valvano and seconded by Mr. Bilotta to adopt the Annual Meeting Schedule. A roll call was taken with Mr. Valvano, Mr. Bilotta, Mr. Memoli, Mrs. Clement and Mr. Bellu all casting affirmative votes.

2016 Emergency Purchasing Policy

Mr. Bellu asked for a motion to adopt the 2016 Emergency Purchasing Policy. A motion was made by Mr. Bilotta and seconded by Mr. Memoli to adopt the Emergency Purchasing Policy, as

presented by the resolution. A roll call was taken with Mr. Bilotta, Mr. Memoli, Mrs. Clement, Mr. Valvano and Mr. Bellu all casting affirmative votes.

Designation of PAC Officer for 2016

Mr. Bellu asked for a motion to designate the PAC Officer for 2016. A motion was made by Mr. Memoli and seconded by Mr. Bilotta to designate Bernard Rutkowski as the 2016 PAC Officer as presented in the resolution. A roll call was taken with Mr. Memoli, Mr. Bilotta, Mr. Valvano, Mrs. Clement and Mr. Bellu all casting affirmative votes.

Cast Management Plan

Mr. Bellu asked for a motion to re-adopt the Cash Management Plan. A motion was made by Mrs. Clement and seconded by Mr. Valvano to re-adopt the Cash Management Plan as presented for the year 2016. A roll call was taken with Mrs. Clement, Mr. Valvano, Mr. Memoli, Mr. Bilotta and Mr. Bellu all casting affirmative votes.

10 Year Capital & Rate Stabilization Plan

Mr. Bellu asked for a motion to adopt updated 10 year Capital and Rate Stabilization Plan. A motion was made by Mr. Bilotta and seconded by Mr. Valvano to adopt the updated 10 year Capital and Rate Stabilization Plan as presented for the year 2016. A roll call was taken with Mr. Bilotta, Mr. Valvano, Mr. Memoli, Mrs. Clement and Mr. Bellu all casting affirmative votes.

Committee Appointments for 2016

Chairman Bellu introduced his 2016 Committees to the Board. Since there were no questions or conflicts to discuss, the Committees will stand as presented by the Chairman. The appointed committees are as follows:

- Legal - Charles Valvano, Chair; open
- Finance - Charles Valvano, Chair; Joseph Bilotta
- Personnel - Carmen Memoli, Chair; Joseph Bilotta
- Engineering & Technology - Deborah Clement, Chair; Tariq Siddiqui
- Liaison to Township - Juan Bellu, Chair; Charles Valvano
- User Charge - Deborah Clement, Chair; Tariq Siddiqui
- Land - Joseph Bilotta, Chair; Carmen Memoli
- AD HOC/Union Contracts - Juan Bellu; Chair; Carmen Memoli
- Regionalization - Deborah Clement, Chair; open

Minutes of Meetings for Approval

A. Meeting #1177 January 26, 2016 - None

A motion was made by Mr. Valvano and seconded by Mr. Bilotta to table the minutes of Meeting #1177 January 26, 2016 due to Georgia Benyola's absence. A roll call vote was taken with Mr. Valvano, Mr. Bilotta, Mr. Memoli, Mrs. Clement and Mr. Bellu all casting affirmative votes.

B. Ex. Session #1177 January 26, 2016 - None

Disbursements

A motion was made by Mr. Valvano and seconded by Mr. Bilotta to approve payment of the disbursements as listed in the amount of \$3,416,945.77. A roll call vote was taken with Mr. Valvano, Mr. Bilotta and Mrs. Clement all casting affirmative votes. Mr. Memoli and Mr. Bellu also cast affirmative votes, with the exception of reimbursements on line items for Kelly Bellu and Carmen Memoli.

There were no additional disbursements listed.

Ratification of Investment & Transfer Resolutions

A motion was made by Mr. Bilotta and seconded by Mr. Valvano to ratify the monthly transfer and investment resolutions. A roll call vote was taken with Mr. Bilotta, Mr. Valvano, Mr. Memoli, Mrs. Clement and Mr. Bellu all casting affirmative votes.

Financial Reports 6A-6F

A motion was made by Mr. Valvano and seconded by Mr. Bilotta to enter the financial reports into the record. A roll call vote was taken with Mr. Valvano, Mr. Bilotta, Mr. Memoli, Mrs. Clement and Mr. Bellu all casting affirmative votes.

Finance & Investments: 6G

Mr. Valvano reported that he had contacted USB because we have not received CMO quotes which is because there are no CMO bonds that meet our criteria as they are not below par. We have a just over \$500,000 for investments. Interest rates have been on a wild ride lately; in December 2015 the 10 year Treasury bond was at 2.33. It is currently at 1.74 which is why nothing available has met our criteria. Mr. Bellu then asked that a motion be made to reinvest the available funds with Ocean First Trust Custodial Account. A motion was made by Mr. Valvano and seconded by Mr. Bilotta to reinvest the available funds of \$56,204.29 in the Ocean First Trust Custodial Account. A roll call vote was taken with Mr. Valvano, Mr. Bilotta, Mr. Memoli, Mrs. Clement and Mr. Bellu all casting affirmative votes.

Operating Reports

A motion was made by Mr. Bilotta and seconded by Mr. Memoli that the operating reports be accepted as presented. The roll call vote was taken for the acceptance of the operating reports with Mr. Bilotta, Mr. Memoli, Mrs. Clement, Mr. Valvano and Mr. Bellu all casting affirmative votes.

Report on Development Applications-Major Sub Divisions

Mr. Bellu reported that one application has been received for D-1050 Villas at Green Meadows, a 15 building, 175 unit apartment complex and asked for a motion to be made for approval. A motion was made by Mr. Valvano and seconded by Mr. Bilotta. A roll call was taken with Mr. Valvano, Mr. Bilotta, Mr. Memoli, Mrs. Clement and Mr. Bellu all casting affirmative votes.

The next Authority meeting was confirmed for Tuesday, March 22, 2016 at 4:30 p.m.

Adoption of Resolutions Authorizing Capital Purchases

A motion was made by Mr. Bilotta and seconded by Mr. Valvano approving the following resolutions, 9A-2A through 2B :

- A. Ratification of IPC capital purchases; and
- B. Ratify the capital purchase of two (2) Piranha M35-2 Pumps, Purchase Order # D6-00095, \$8,785.00

A roll call vote was taken with Mr. Bilotta, Mr. Valvano, Mr. Memoli, Mrs. Clement and Mr. Bellu all casting affirmative votes.

Resolutions

A motion was made by Mr. Bilotta and seconded by Mr. Valvano approving the following resolutions, 9A-3 through 6:

- 3. Authorization was given to utilize the funds previously allocated in the 2016 Rehab capital budget for the replacement of truck #84 for the purchase of two (2) trailers and accessories and one (1) air tug unit.
- 4. Accept the invoice submitted by Garden State Bobcat for the purchase of Steel Tracks and ancillary parts through Purchase Order D6-00072 in the amount of \$6050.02.
- 5. Authorization was given to the Toms River MUA to enter into an interlocal services agreement with Beachwood Sewage Authority.
- 6. Authorization to award contract to Riordan Materials Corp. for the purchase and delivery of five (5) Backup Sanitary Sewer Pumps in the amount of \$62,609.00.

A roll call vote was taken with Mr. Bilotta, Mr. Valvano, Mr. Memoli, Mrs. Clement and Mr. Bellu all casting affirmative votes.

A motion was made by Mr. Bilotta and seconded by Mr. Valvano to table the Kara Homes Escrow Deposit Release Agreement. Mr. Gluck stated that all of the liens had not been cleared at this time and some of the language in the agreement will need to be changed. The escrow will be requested to be held Mr. Gluck's office. A roll call was taken with Mr. Bilotta, Mr. Valvano, Mr. Memoli, Mrs. Clement and Mr. Bellu all casting affirmative votes.

Unfinished Business

None

Committee Reports

Legal – Mr. Gluck reported Beachwood Sewage Authority approved the interlocal services agreement at their regular meeting. Mr. Rutkowski has spoken with the owner of Holiday on the Bay and they are agreeable to the easement modification. They will require the information from legal to present to the association. Mr. Gluck stated there has been a Non-disclosure agreement with the township and Heyer, Gruel & Associates. Mr. Bellu questioned the remedies of the agreement. Mr. Gluck stated the TRMUA reserved all rights in the law and monetary values. Mr. Acropolis commented that he and Mr. Rutkowski are reviewing the data for the Jet Vac warranty claims.

Engineering - Mrs. Clement stated the agreement between TRMUA and Berkeley was discussed at length and the committee is recommending to approve the agreement as is for one year, while we monitor the water date for a period of one year. The capital project for the pipe cleaning and TV of 42” and 48” pipe was completed on February 16th. It was reported the volume of debris was found within 3 ½ miles of pipe based on SONAR inspection, equaling a total of 16K cubic feet or 48 dump truck loads. A second contract for debris removal will be advertised shortly. A pipe bursting and dig/replace project was advertised. The project is expected to take on year at a cost of approximately 1 ½-2 million dollars. The Director is looking into purchasing a Pole Cam for the authority which is inexpensive and will save the Authority time and money. Mrs. Clement reported that 8000 manholes have been inspected and 90% of Asbestos Cement Pipe inspections have been completed.

Mr. Bellu then asked for a motion to be made to approve the Berkeley Sewer Authority Agreement for a one year period. A motion was made by Mrs. Clement and seconded by Mr. Bilotta. A roll call was taken with Mrs. Clement, Mr. Bilotta and Mr. Valvano all casting affirmative votes. Mr. Memoli and Mr. Bellu abstained.

Mr. Bellu stated with the resignation of Mrs. Haines from the Board of Commissioners, he would like to appoint Charles Valvano as a regular commissioner. Tariq Siddiqui will stay on as alternate commissioners. All agreed.

Public Comment

Chairman Bellu opened the meeting to comments from the Public. Spencer Morasch, of JCP&L, introduced himself as the new representative for our area and requested assistance from the TRMUA to update contact information and policy and procedures.

Correspondence

None

Executive Session

None

Mr. Bellu thanked Miss Haines for her work on the Board of Commissioners and stated that she will be missed by all, as she was a big asset to the Board. All commissioners wished her luck on her next endeavor. Miss Haines thanked the Board and stated that she will continue to work with the TRMUA through her position as County Freeholder.

With no further business to come before the Board, a motion was made by Mr. Bilotta and seconded by Mr. Memoli to adjourn the meeting at 5:17 p.m.