

**TOMS RIVER MUNICIPAL UTILITIES AUTHORITY**  
**Meeting Number Eleven Hundred Ninety-two**

Agenda

April 25, 2017

The regular meeting of the Toms River Municipal Utilities Authority was held on Tuesday, April 25, 2017 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 - Absent

Frank Holman - HFA

Carmen J. Memoli, Vice Chairman

Brian Waldron - HFA

Joseph G. Bilotta, Commissioner

Deborah L. Clement, Commissioner

Charles S. Valvano, Commissioner

Tariq M. Siddiqui, Alt. Commissioner - Absent

Stephen C. Acropolis, Executive Director/Sec'y.-Treas.

Dan Leone, Esquire, Counsel

Rosemary Rosetto, Controller

Nicholas Otten, Authority Engineer

Bernard Rutkowski, Regulatory Compliance/Safety Officer - Absent

Cindy Toye, Administrative Bookkeeping Specialist

Georgia Benyola, Executive Secretary/Assistant Secretary

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Meeting #1192 was called to order at 4:30 p.m., April 25, 2017 by Vice-Chairman Memoli.

Ms. Benyola, Assistant Secretary, 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.

Ms. Benyola called the roll. Mr. Valvano, Mr. Bilotta, Mr. Memoli and Mrs. Clement were present. Mr. Siddiqui and Mr. Bellu were absent.

**Audit Report 2A**

Frank Holman and Brian Waldron from Holman, Frenia and Allison, P.C. submitted and discussed in detail the 2016 year-end Draft Audit Report. Since Chairman Bellu and Mr. Siddiqui were not in attendance at this meeting and the Auditors were still waiting for the MDA Letter, the Board agreed to wait till the next meeting before making their decision. It was noted that this was our sixth consecutive clean audit to date.

### **Minutes of Meetings for Approval**

A. Meeting #1191

March 28, 2017

New Submission

A motion was made by Mr. Bilotta and seconded by Mr. Valvano to approve the minutes of Meeting #1191 March 28, 2017 as written. A roll call vote was taken with Mr. Bilotta, Mr. Valvano and Mr. Memoli all casting affirmative votes. Mrs. Clement abstained due to her absence.

B. Ex. Session #1191

March 28, 2017

New Submission

A motion was made by Mr. Bilotta and seconded by Mr. Valvano to approve minutes of the Executive Session Meeting #1191 March 28, 2017 as written. A roll call vote was taken with Mr. Bilotta, Mr. Valvano and Mr. Memoli all casting affirmative votes. Mrs. Clement abstained due to her absence.

### **Disbursements**

A motion was made by Mr. Bilotta and seconded by Mrs. Clement to approve payment of the disbursements as listed in the amount of \$3,905,675.05 A roll call vote was taken with Mr. Bilotta, Mrs. Clement, Mr. Valvano and Mr. Memoli all casting affirmative votes.

### **Additional disbursements**

A motion was made by Mr. Valvano and seconded by Mrs. Clement to approve the additional disbursements as listed in the amount of \$4,845.95. A roll call vote was taken with Mr. Valvano, Mrs. Clement, Mr. Bilotta and Mr. Memoli all casting affirmative votes.

### **Ratification of Investment & Transfer Resolutions**

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

### **Financial Reports**

A motion was made by Mr. Valvano and seconded by Mr. Bilotta to enter the financial reports 6A-F into the record. A roll call vote was taken with Mr. Valvano, Mr. Bilotta, Mrs. Clement and Mr. Memoli all casting affirmative votes.

### **Finance & Investments:**

Mr. Valvano mentioned that although it was too soon to get CD rates, he did visit the Lakeland Bank where our CD is coming due in mid-June just before our June meeting. They did not have a 12 month CD but they did have a 13 month at 0.90%. Our current rate is at 1.00%. Mr. Valvano noted that rates did start to go up drastically but they basically went back to what they were last year. As time gets closer, Mr. Valvano stated that the Finance Committee will be meeting again to talk about this and also discuss it with the Chairman. The Committee has some options, two of which they can roll it over as a CD or put it into the Money Market that they have with Lakeland. Other options will also be discussed.

Mr. Valvano then made a motion, which was seconded by Mr. Bilotta, to reinvest the available funds of \$55,820.17 into the Ocean First Trust Custodial Account. A roll call vote was taken with Mr. Valvano, Mr. Bilotta, Mrs. Clement and Mr. Memoli all casting affirmative votes.

### **Operating Reports**

A motion was made by Mrs. Clement and seconded by Mr. Bilotta that the operating reports be accepted as presented. The Director mentioned that the Employee Manual/Handbook is noted on report 7G and will be approved with the acceptance of this motion by the Board. A roll call vote was taken with Mrs. Clement, Mr. Bilotta, Mr. Valvano and Mr. Memoli all casting affirmative votes.

### **Development Applications/Major Sub Divisions**

There were no applications submitted for approval.

### **Authority Meeting**

The next Authority meeting was confirmed for Tuesday, May 23, 2017 at 4:30 p.m.

### **Adoption of Resolutions/Approvals**

A motion was made by Mr. Bilotta and seconded by Mrs. Clement approving the following resolutions, 9A-2A through (9A-4:

9A-2A – Authorization was given to ratify IPC Purchases; and

9A-3 - Authorization was given to approve Change Order No. 3 Final and that the contract issued to All Surface Asphalt Paving be decreased by \$10,547.69 and the contract be commensurately decreased from \$339,097.00 to \$328,549.31; and

9A-4 - Authorization was given to the Qualified Purchasing Agent to advertise for the receiving of bids for the Acquisition of Manhole Riser Rings.

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

### **9A-5 Discussion-Rules/Regulations/Commercial Pool Meters**

Mr. Acropolis noted that our Engineer, Mr. Otten, had talked about commercial pools for a while now and some residential pools as well. In speaking with Mr. Otten and Mr. Rutkowski, Mr. Acropolis mentioned that he would like to see something in our Rules and Regulations regarding commercial pools. There are some meters that Mr. Acropolis knows were investigated; however, if a commercial pool wants to back wash their filters, for example, they seem to find a way to get into our system without us even knowing about it unless they're caught. On the other hand, we can give them the opportunity to meter their flows into the system and be charged. We would have a meter in place so that if a commercial pool wanted us to install a meter, we would be able to do so within our Rules and Regulations. Mr. Acropolis stated that this subject was placed on the agenda today to advise the Board and get their approval to move forward with this project, as we still need to do more investigation and amend the Rules and Regulations. The Board unanimously agreed to move forward with this project.

## **9A-6 Resolution-Rescind Kmetz Contract, etc.**

A motion was made by Mr. Bilotta and seconded by Mrs. Clement authorizing Kmetz, Inc.'s withdrawal of its bid, rescinding contract award to Kmetz, Inc. and rejecting all bids received for the Force Main Rehabilitation Project Contract #SR-03-09B. A roll call vote was taken with Mr. Bilotta, Mrs. Clement, Mr. Valvano and Mr. Memoli all casting affirmative votes.

### **Unfinished Business**

None

### **Committee Reports**

#### *Legal*

1. Mr. Leone mentioned that on the Ocean Beach III restoration, their attorney, Mr. Stein, contacted him in February with a demand letter but we were told to ignore it and we haven't heard from him since. Mr. Acropolis noted to Counsel that we would like to move forward with this project. On our end, we have an engineering firm that has gone out and has done some preliminary observations. Mr. Acropolis stated that Ocean Beach would like us to go to a meeting on May 13, 2017; however, he will be with the Chairman that day and cannot attend. We will try to get someone to represent the Authority or we will make a presentation again at another time but we do have to move on. The more into it we get, Counsel will also be more involved and the Board will be kept abreast as it progresses.

2. Mr. Leone reported that he received the OK from the NJDEP on the Force Main Rehabilitation bid withdrawal from Kmetz. Some of the people at NJDEP were on vacation but none the less, everything worked out fine. Going forward, Mr. Otten will start the re-advertising of the bid and the bid security will have to be returned to Kmetz. Kmetz, however, will not be permitted to re-bid on the project. Counsel also prepared the resolution that was adopted earlier in the agenda.

3. Mr. Leone reported that the Toms River Board of Education had a Shared Services Agreement with the TRMUA back in 2009 for fuel dispensation, which Rich MacDonald brought to his attention. Mr. Leone reviewed the agreement but sometime between 2009 and now there was a resolution adopted by the Board amending the agreement to include cleanouts and servicing sanitary sewerage related work but there wasn't a corresponding agreement to go along with it. Mr. Acropolis noted that we do get phone calls periodically from them, usually for some emergency and we would go out and perform the kind of services they needed. We charge for these services just like we would any other facility. Mr. Leone said he had not been in contact with the Board of Ed yet to see if an amendment was done. The Director suggested that we wait till the next meeting to see if additional information is presented by the Board of Ed. The Director also stated that the Commissioners will have some additional time to decide whether they want to amend the current agreement or create a new agreement.

5. On the Doxo matter, Mr. Leone stated that they are still doing some preliminary research. Counsel should have something for us next month.

6. Earle Asphalt Construction was assigned for suit by Mr. Gluck and they will begin preparing the file for litigation.

7. As per Mr. Leone, CVS Pharmacy, LLC has executed the Affidavit of No Liens. Everything has gone through and the performance bond will be released.

#### *Engineering*

Mr. Acropolis noted that they had an Engineering Committee meeting last Friday, but with Mr. Siddiqui not being here today and the Board having already read the engineer's report, the Director decided to leave it at that. Mrs. Clement did ask the Director to point out the OCUA metered flows to the Board. The Director did say that there are two things of interest. One of course, is that this was the lowest first quarter treatment flow we've had since records dating back to 1990. The other is that there's infiltration in some of the OCUA manholes, because they are older manholes. The infiltration that gets into their manholes also get billed to us, because there's no way to meter that flow. Our Engineer, Mr. Otten, is reaching out to the County Engineer to find out what is the schedule of them rehabilitating their manholes. All we can do right now is ask and wait to see what the schedule shows and take it from there, since we're paying for this.

### Land

Mr. Bilotta reported that they are making progress with the pole barn covering the equipment. Fences are also being installed/replaced at certain pump stations as needed. Mrs. Clement also wanted to mention to the Director that by pump station 29 she noticed a couple of employees from one of our crews cleaning up behind the property where she lives. She was told that they were cleaning the mess that a contractor working there had made, which, in her opinion, was rather nasty. Mrs. Clement wanted the Director to let the crews know that if that happens again to let her know, because that should not be our crews' responsibility and it's totally unacceptable from the contractors.

### Personnel

Mr. Memoli asked the Director to elaborate more on the Foreman's Retirement Training Program that was discussed at the last meeting. Mr. Acropolis noted that we don't have anything in house right now when a Foreman retires, so far the Authority has been pretty good promoting within. What he would like to do is put into place a Foreman's Retirement Training Program. If a Foreman came in today and wanted to retire, he could give his two weeks' notice and be done. What the Director would like to do is give the Foreman the opportunity to say that he may be retiring in the next two or three years but he's willing, with a stipend, to train employees for his position. The position, which has been already cleared by the Union, will be posted. From that posting, there might be eight applicants from within the Authority that would like to be a foreman. Once there is a preliminary evaluation, they would narrow it down to four employees. These four employees would then be trained individually in a more intense training program by the Foreman. Training could be between two to six months depending on the capability of the employee. Once the training is completed, there would be another evaluation for each employee and hopefully by then, the Authority would have a good idea as to who would be the best person to place in that position. The Personnel Committee would like the Board's approval to put into place a Foreman's Retirement Training Program and post the position as necessary.

The Personnel Committee would also like the Board's approval to go ahead and replace the Line Maintenance Operator's position vacated by our recent retiree on April 1, 2017.

### Public Comment

Vice-Chairman Memoli opened the meeting to comments from the public. With no public comments the Vice-Chairman closed the public portion of the meeting.

### Correspondence

Mr. Acropolis received from one of our ratepayers an appreciation letter regarding a stoppage problem. The ratepayer wanted to express her gratitude for the employee's kindness and professionalism. Kudos to another employee for a job well done.

### Resolution to Enter Executive Session

No executive session was held.

With no further business before the Board, a motion was made by Mrs. Clement and seconded by Mr. Bilotta to adjourn the meeting at 5:25 p.m. The motion was carried by a unanimous voice vote.