

TOMS RIVER MUNICIPAL UTILITIES AUTHORITY
Meeting Number Eleven Hundred Eighty-nine

Agenda

January 24, 2017

The regular meeting of the Toms River Municipal Utilities Authority was held on Tuesday, January 24, 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

Carmen Memoli, Vice Chairman

Joseph Bilotta, Commissioner

Deborah Clement, Commissioner

Charles Valvano, Commissioner

Tariq Siddiqui, Alt. Commissioner

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

James Gluck, Esquire, Counsel

Rosemary Rosetto, Controller

Nicholas Otten, Authority Engineer

Bernard Rutkowski, Regulatory Compliance/Safety Officer

Cindy Toye, Temp Administrative Bookkeeping Specialist

Georgia Benyola, Executive Secretary/Assistant Secretary

Alec Pestov – Meemim, Inc. & Len Bundra will present a GIS + HoloLens Demonstration for the Board

Meeting #1189 was called to order at 4:30 p.m., January 24, 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. Siddiqui, Mr. Valvano, Mrs. Clement, Mr. Bilotta and Mr. Memoli. Mr. Siddiqui will be voting as Mr. Bellu was absent.

Minutes of Meetings for Approval

A. Meeting #1188

December 20, 2016

New Submission

A motion was made by Mr. Valvano and seconded by Mr. Bilotta approve the minutes of Meeting #1188 December 20, 2016 as written. A roll call vote was taken with Mr. Valvano, Mr. Bilotta, Mrs. Clement, Mr. Memoli and Mr. Siddiqui all casting affirmative votes.

A motion was made by Mrs. Clement and seconded by Mr. Siddiqui to approve the minutes of the Executive Session #1188 December 20, 2016 as written. A roll call vote was taken with Mrs. Clement, Mr. Siddiqui, Mr. Valvano, Mr. Bilotta and Mr. Memoli all casting affirmative votes.

Disbursements

A motion was made by Mrs. Clement and seconded by Mr. Bilotta to approve payment of the disbursements as listed in the amount of \$2,565,358.69. A roll call vote was taken with Mrs. Clement, Mr. Bilotta, Mr. Siddiqui, Mr. Valvano and Mr. Memoli, with exception of the RX reimbursements for himself and Eric Memoli and for APV, LLC, all casting affirmative votes.

Additional disbursements

A motion was made by Mr. Valvano and seconded by Mr. Siddiqui to approve the additional disbursements as listed in the amount of \$567.71. A roll call vote was taken with Mr. Valvano, Mr. Siddiqui, Mrs. Clement, Mr. Bilotta and Mr. Memoli all casting affirmative votes.

Trust Fund for Contracts

A motion was made by Mr. Bilotta and seconded by Mrs. Clement to approve the release from the Trust Fund for Contracts as listed in the amount of \$10,793.99. A roll call vote was taken with Mr. Bilotta, Mrs. Clement, Mr. Valvano, Mr. Siddiqui and Mr. Memoli all casting affirmative votes.

Ratification of Investment & Transfer Resolutions

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

Finance & Investments:

Mr. Valvano reported that with there being a corporate tax cut coming this year as well as individual rate cuts, potential infrastructure spending and regulations supposedly going down by 75%, there will be an awful lot of stimulus in the economy this year. The Federal Reserve has stated that they plan on raising interest rates three times this year. They are clearly going up. The question is how much. Mr. Valvano noted that since we are still building reserves, he would like to make a motion, which was seconded by Mrs. Clement, to reinvest the available funds of \$64,704.80 into the Ocean First Trust Custodial Account. A roll call vote was taken with Mr. Valvano, Mrs. Clement, Mr. Siddiqui, Mr. Bilotta 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. A roll call vote was taken with Mrs. Clement, Mr. Bilotta, Mr. Siddiqui Mr. Valvano and Mr. Memoli all casting affirmative votes.

Development Applications/Major Sub Divisions

There were no applications submitted for approval.

Authority Meeting

The Re-Org meeting was confirmed for Tuesday, February 28, 2017 at 4:30 p.m. Mr. Gluck will not be available but his Associate will attend.

Adoption of Resolutions/Approvals

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

9A-2B – Authorization was given to purchase (1) one Model 344K John Deere Loader with attachments and comprehensive warranty from Jesco, Inc., 118 St. Nicholas Ave., South Plainfield, NJ in the amount of \$145,776.70; and

9A-2C - Authorization was given to purchase (1) one 2017 Ford F250 Cab & Chassis Crew Cab 4x4 Truck with a Knapheide 696J 8' Utility Body from Chas S. Winner, Inc., DBA Winner Ford in the amount of \$56,077.00; and

9A-2D - Authorization was given to purchase and install (2) hallway security doors at a total cost not to exceed \$9,200.00 from Jammer Doors, 2850 Brunswick Pike, Lawrenceville, NJ 08648

9A-3 - Authorization was given to the Executive Director to advertise for the receiving of bids for a Pole Barn for the TRMUA Main Facility. Authorization was also given for Maser Consulting to prepare the formal bid specifications for the Pole Barn; and

9A-4 - Authorization was given to the Qualified Purchasing Agent to advertise for the receiving of bids for the acquisition of (4) Sanitary Sewer Inspection Cameras and Locators and to prepare bid specifications under 40A:11-13 (d) of the Local Public Contracts Law so that the Authority may utilize proprietary wording in its bid specifications indicating the special need directly related to the performance, completion or undertaking for the purpose of the above mentioned acquisition; and

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

Unfinished Business

None

Committee Reports

Legal

1. Mr. Gluck sent a demand letter to Earle Construction for damages that were done, as was reported at the last meeting regarding the manhole cover. He has not heard back from them as yet.
2. Mr. Gluck reported that the easement with CVS is in its final form. Counsel prepared a resolution for the Board to pass this evening and also has the easement documents for the Director's execution, which have also been reviewed and agreed upon by Mr. Otten. Counsel noted that they added a signature line on the actual easement for the MUA to sign off and accept that because it did involve some older easements. This will clarify that we were accepting it.
3. Mr. Gluck mentioned that he had a meeting earlier this week with the Engineering Committee to review the directional drilling bids. Counsel needed to have some discussions with the Commissioners as to whether they were going to release Kmetz from that obligation. As you recall, Kmetz sent their request to withdrawal their bid. There were alternate ways to do the

design that were actually better than what was originally proposed. It was Mr. Gluck's understanding that the consulting engineer from RVV was awaiting approval from the NJEIT to go back out to bid but the alternate design was approved. By doing the alternate design, it should result in a substantial savings from the way the project was originally designed. Counsel had sent a letter back to Kmetz basically indicating that their withdrawal did not comply with the State Statutes and that we were reserving our right to go after them for damages or go after the bond. It seems to Counsel that it would be a more advantageous position for the Authority to just simply release them and go back out to bid on the newly design contract with the alternates in place. Mr. Gluck would need authority from the Commissioners, if that is the consensus, to vote to release them. Once that occurs, Counsel will send a formal letter to that affect.

4. Mr. Gluck also discussed with Mr. Rutkowski the Kiely damages that were being sought. Mr. Rutkowski has had contact with them and they've indicated that they have sent payment on two occasions; however, the payment has not been received. Mr. Rutkowski and Counsel have agreed to give them till the end of the month and if the payment is not received, the file will be turned over to Counsel to take action.

Engineering

Mr. Siddiqui commented that although Kmetz did not follow the correct procedures as stated by Counsel and after speaking with the staff and consulting engineers, it may be in our interest just to release them rather than forcing them to work on the project and getting into discussions and disagreements that could lead to larger problems. Mr. Siddiqui also commented that we should not allow them to bid again on this project. Knowing the contract regulations, Mr. Siddiqui stated that we have the right to bar them. They will be able to bid on future projects but not the one they withdrew from.

Mr. Siddiqui also mentioned that the Committee discussed routine and ongoing projects.

Land

Mr. Bilotta reported that installation of fence enclosures on a few pump stations that didn't have fences or needed to be upgraded were completed. He also mentioned that engineering will start the process in the back property to provide access from the yard to the back property. Mr. Acropolis noted that's what we talked about through the railroad easement. Mrs. Clement asked about the time frame. Mr. Acropolis commented that the engineering will go first and hopefully get it done in the spring/summer when the weather breaks.

Personnel

Mr. Memoli discussed the following matters:

1. A couple of months ago, Mr. Memoli mentioned that there was talk about the titles of some of the positions that needed to be changed/added, such as trainer, QPA, construction management and acting operations director. It had been suggested by the Committee that they should be incorporated into the job descriptions since we're just adding what people are already doing. Mrs. Toye has been working on updating these job descriptions for approval by the Board.
2. Mr. Memoli advised the Commissioners that Mr. Acropolis and his staff have been working on the Employee Manual and are now ready to have the Board review the changes and updates that were needed to be included. Mr. Acropolis mentioned that it was more of a clean-up of the manual to keep up with the times and the new technology, such as hands free cell phones, texting, emails, etc. The Director said that the manuals will be sent in a couple of days, which will give the Board members enough time before the next meeting.
3. Mr. Memoli brought up the TO Chart. Mr. Acropolis mentioned that since one of the titles was changing from Controller to Chief Financial Officer on the job description, we should also change the TO Chart. Mr. Acropolis noted that we currently have an Assistant CFO title, so it only makes sense to have a CFO title instead of Controller. Once again, it's more of a clean-up/housekeeping situation.
4. A workman's comp issue will be discussed in executive session.

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

Appreciation Letter

9A-6 Resolution & Grant of Easement – CVS

A motion was made by Mr. Bilotta and seconded by Mrs. Clement authorizing a Grant of Easement between the Toms River Municipal Utilities Authority and the Owners of certain property known as Block 410.04, Lot 10. The Executive Director is hereby authorized to accept a new Grant of Easement, which is attached hereto and made a part hereof, between the Toms River Municipal Utilities Authority and New Jersey CVS Pharmacy, LLC. A roll call vote was taken with Mr. Bilotta, Mrs. Clement, Mr. Valvano, Mr. Siddiqui and Mr. Memoli all casting affirmative votes.

Resolution to Enter Executive Session

A motion was made by Mr. Valvano and seconded by Mr. Siddiqui to adopt the resolution to enter in Executive Session at 4:51 p.m. to discuss personnel matters, litigation and potential litigation. The motion was carried by a unanimous voice vote.

Public Session Reconvened at 5:10 p.m.

Vice-Chairman Memoli announced we were back in Public Session. A motion was made by Mr. Siddiqui and seconded by Mrs. Clement authorizing Mr. Gluck to send a revised letter to Kmetz stating that the Board has accepted his withdrawal request. A roll call vote was taken with Mr. Siddiqui, Mrs. Clement, Mr. Valvano, Mr. Bilotta and Mr. Memoli all casting affirmative votes.

Messrs. Bundra and Pestov were invited to attend the meeting this evening to give their demonstration. Mr. Alec Pestov, CEO of Meemim, Inc., presented a new application which combines TRMUA's GIS with Microsoft HoloLens, in order to see the location of underground utility features as Holograms. The Board was very interested and agreed to continue to move forward with the HoloLens project. A motion was made by Mr. Bilotta and seconded by Mrs. Clement to purchase two HoloLenses, goggles and proprietary computer hardware and software not to exceed \$15,000, pending the receipt of the Formal Proposal and Business Registration Certificate (BRC). Mr. Gluck will prepare the resolution for the next meeting. A roll call vote was taken with Mr. Bilotta, Mrs. Clement, Mr. Siddiqui, Mr. Valvano and Mr. Memoli.

With no further business before the Board, a motion was made by Mr. Siddiqui and seconded by Mrs. Clement to adjourn the meeting at 6:02 p.m. The motion was carried by a unanimous voice vote.