

TOMS RIVER MUNICIPAL UTILITIES AUTHORITY

Meeting Number Twelve Hundred Thirty-one

Agenda

June 23, 2020

The regular meeting of the Toms River Municipal Utilities Authority was held on Tuesday, June 23, 2020 at 4:30 P.M. at the office of the Authority, 340 West Water Street, Toms River, New Jersey 08753.

The Following were present or were on conference call (as directed by NJ Governor’s Executive Order #107 due to COVID19):

- Carmen J. Memoli, Chairman – conference line Lauren Holman/HFA
- Tariq M. Siddiqui, Vice-Chairman – conference line John Zim/HFA
- Deborah L. Clement, Commissioner – conference line Joseph D. Coronato/Esq.
- Charles S. Valvano, Commissioner – conference line
- Ben A. Montenegro, Commissioner – conference line
- Joseph G. Bilotta, Alt. Commissioner – conference line
- Dr. Alfonso J. Manforti, Alt. Commissioner – conference line - Absent
- Robert J. DiBiase, Executive Director/Sec’y.-Treas. – conference line
- James Gluck, Esquire, Counsel – conference line
- Rosemary Rosetto, Chief Financial Officer - – conference line
- Nicholas Otten, Authority Engineer – conference line
- Bernard Rutkowski, Regulatory Compliance/Safety Officer – conference line
- Cindy Toye, Administrative Bookkeeping Specialist - conference line - Absent
- Georgia Benyola, Executive Secretary/Assistant Sec’y. – conference line

Meeting #1231 was called to order at 4:30 p.m., June 23, 2020 by 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. Bilotta, Mr. Montenegro, Mr. Valvano, Mrs. Clement, Mr. Siddiqui and Mr. Memoli were present. Dr. Manforti was absent.

Minutes of Meetings for Approval

A. Meeting #1230 - May 26, 2020 - New Submission

A motion was made by Mr. Valvano and seconded by Mr. Montenegro to approve the minutes of Meeting #1230 May 26, 2020 as written. Counsel asked if the minutes can be amended to reflect that the meeting was held virtually through Zoom so that anyone reading the copy paper will know how it was

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

B. Ex. Session #1230 - May 26, 2020 - New Submission

A motion was made by Mrs. Clement and seconded by Mr. Valvano to approve the minutes of the Ex. Session #1230 May 26, 2020 as written. A roll call vote was taken with Mrs. Clement, Mr. Valvano, Mr. Montenegro, Mr. Siddiqui, and Mr. Memoli all casting affirmative votes.

3C Auditor – Rate Study

Lauren Holman and John Zim from the office of Holman Frenia Allison were asked to attend the meeting to go over some questions. Mrs. Holman stated that what they did was go back to the rate study from the audit that they had done back in November. It was decided to extend it 2 more years, so the rate study that we had received in November had fiscal 20, 21, 22, 23. They then extended this out and got the actuals put in from 19 from the audit and projected 2020 through 2025. Two different rate scenarios were done, one at 4 ½% and one at 6%. They did a debt ratio at \$5M, \$10M and \$15M to see what it would look like in each scenario. The Authority had gone to the NJIB for financing in June and everyone, according to COVID-19 situation, will want to see a credit check that the budget is still accurate and is still in good standing. Mrs. Holman said they also did an exercise that showed that we were \$800,000 less in our budget in 2020 due to COVID-19.

Disbursements

A motion was made by Mr. Valvano and seconded by Mrs. Clement to approve payment of the disbursements as listed in the amount of \$1,840,582.89. Mr. Siddiqui commented at the April meeting to wait for Montana Construction to give them the final invoice. He also noted that the Board, at that time, decided to table the \$1,600,000 resolution until the final numbers came in. Mr. Siddiqui was questioning why he did not see the resolution on the agenda. The Director stated that we did not use the tabled resolution showing the \$1,600,000 and were waiting on the final number. Mr. Otten used the original resolution of \$1,000,000 which was amended by Counsel when the final invoice from Montana totaling \$1,381,265.19 was received. Since the other contractors had been paid earlier, Counsel decided to break up the resolutions and give them each their own amended resolution. Mr. Siddiqui also had requested a breakdown of some of the labor charges occurring during the weekends on Windsor Avenue emergency project, which Mr. Tutela responded by explaining in detail to everyone's satisfaction. A roll call vote was taken with Mr. Valvano, Mrs. Clement, Mr. Montenegro, Mr. Siddiqui and Mr. Memoli all casting affirmative votes.

Additional Disbursements

There were no additional disbursements listed.

Ratification of Investment & Transfer Resolutions

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

Financial Reports

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

Finance & Investments: 6G

Mr. Valvano had a conversation with the CFO. After he collected the data, the Finance Committee had a detail discussion. They had already discussed the three vendors, Montana, En-Tech & Rain for Rent and add that together for the Windsor Avenue sink-hole and it's approximately \$1.7 million. Mrs. Rosetto also informed Mr. Valvano that our current NJIB first installment that was going to be billed to us in 2021, was now billed to us in 2020.

Mr. Valvano wanted to address that he, Mrs. Rosetto and Mr. Bilotta had a discussion considering the Auditor's report on NJIB funding at the level of \$5 million and keeping the increased revenue requests to a minimum was quite doable. After hearing that the project list will be prioritized, an amount of \$10 million, commensurate with the prioritized list and in line with the recommendations heard from the Audit team, is agreeable.

A motion was made by Mrs. Clement and seconded by Mr. Valvano to approve NJIB money and apply for \$10,000,000.00. A roll call vote was taken with Mrs. Clement, Mr. Valvano, Mr. Montenegro, Mr. Siddiqui and Mr. Memoli all casting affirmative votes.

A motion was made by Mr. Valvano and seconded by Mrs. Clement to reinvest the available funds of \$40,484.16 into the Ocean First Trust Custodial Account. A roll call vote was taken with Mr. Valvano, Mrs. Clement, Mr. Montenegro, Mr. Siddiqui and Mr. Memoli all casting affirmative votes.

Operating Reports

A motion was made by Mrs. Clement and seconded by Mr. Siddiqui that the operating reports 7A-7G were accepted as presented. A roll call vote was taken with Mrs. Clement, Mr. Siddiqui, Mr. Valvano, Mr. Montenegro and Mr. Memoli all casting affirmative votes.

Development Applications-Major Sub Divisions

There were no applications for approval.

Authority Meeting

The next Authority meeting was confirmed for Tuesday, July 28, 2020 at 4:30 p.m. in the TRMUA Conference Room according to social distancing.

Adoption of Resolutions/Capital Purchases

9A-2A – There were no IPC Purchases for Ratification

9A-3 - Resolution – Shared Services – TRMUA & TRRS Bd.of Ed

A motion was made by Mr. Siddiqui and seconded by Mrs. Clement authorizing a Shared Services Agreement Between the Toms River Municipal Utilities Authority and the Toms River Regional Schools Board of Ed. The Executive Director is hereby authorized to execute and the Assistant Secretary to attest to a Shared Services Agreement which shall be attached hereto and made a part hereof, between the Toms River Municipal Utilities Authority and Toms River Regional Schools Board of Education. A roll call vote was taken with Mr. Siddiqui, Mrs. Clement, Mr. Valvano and Mr. Memoli all casting affirmative votes. Mr. Montenegro abstained. He does not have any current cases going on with the school Board but he has done some legal work for them in the past.

9A-4 – Resolution – QPAs Bid Threshold to \$44K

A motion was made by Mr. Siddiqui and seconded by Mrs. Clement authorizing the QPAs to increase their maximum bid threshold from \$40,000.00 to \$44,000.00, effective July 1, 2020. A roll call vote was taken with Mr. Siddiqui, Mrs. Clement, Mr. Montenegro, Mr. Valvano and Mr. Memoli all casting affirmative votes.

9A-5 - Resolution - Award Sewer & Manhole Rehab – Contract SR-01-19 (881)

A motion was made by Mr. Siddiqui and seconded by Mr. Valvano authorizing that Sewer & Manhole Rehabilitation Project SR-01-19 is hereby awarded to North American Pipeline Service, LLC, 210 Bennett Road, Freehold, New Jersey 07728, in the amount of \$772,266.00. A roll call vote was taken with Mr. Siddiqui, Mr. Valvano, Mr. Montenegro, Mrs. Clement and Mr. Memoli all casting affirmative votes.

9A-6 – Resolution - Award Dig & Replace – Contract SRDR-01-19 (882)

A motion was made by Mrs. Clement and seconded by Mr. Siddiqui authorizing that Dig & Replace Project SRDR-01-19 is hereby awarded to North American Pipeline Service, LLC, 210 Bennett Road, Freehold, New Jersey 07728, in the amount of \$1,174,340.00. A roll call vote was taken with Mrs. Clement, Mr. Siddiqui, Mr. Valvano, Mr. Montenegro and Mr. Memoli all casting affirmative votes.

9A-7 - Resolution - Advertise for Receiving of Bids – Contract TRMUA PR-2020

A motion was made by Mr. Siddiqui and seconded by Mr. Montenegro authorizing the Regulatory Compliance Officer to advertise for the receiving of bids for the Quick Lock Repair Clamps (various sizes) and End Sleeves. A roll call vote was taken with Mr. Siddiqui, Mr. Montenegro, Mrs. Clement, Mr. Valvano and Mr. Memoli all casting affirmative votes.

9A-8 – Resolution – 2020 Appropriation Transfers

A motion was made by Mrs. Clement and seconded by Mr. Valvano authorizing the appropriation transfers for \$19,980.00 be made to the approved 2020 budget. A roll call vote was taken with Mrs. Clement, Mr. Valvano, Mr. Montenegro, Mr. Siddiqui and Mr. Memoli all casting affirmative votes.

9A-9 - Resolution - Amend Award Contract –Emergency – Montana Construction

A motion was made by Mr. Valvano and seconded by Mr. Montenegro to authorize and amend the resolution awarding the contract for Emergency sewer and roadway repairs to Montana Construction Corp. Subsequent to the award, the Authority Engineer, Nicholas Otten, P.E., has recommended that the TRMUA increase the amount not to exceed \$1,000,000.00 to an amount not to exceed \$1,381,265.19. The Executive Director is hereby authorized to execute, and the Assistant Secretary to attest thereto, a form of contract and any necessary and related documents pursuant to this award. A roll call vote was taken with Mr. Valvano, Mr. Montenegro, Mr. Siddiqui, Mrs. Clement and Mr. Memoli all casting affirmative votes.

9A-10 – Resolution - Amend Award Contract – Emergency – EN-TECH of NJ

A motion was made by Mr. Valvano and seconded by Mr. Montenegro to authorize and amend the resolution awarding a contract for Emergency sewer and Roadway repairs to En-Tech of New Jersey. In conjunction with the TRMUA and Ocean County Utilities Authority (OCUA), En-Tech of New Jersey Corporation have the available equipment, supplies and manpower to provide sewer cleaning, CCTV inspection and cured-in-place pipe lining of existing sewer pipes. The Commissioners of the TRMUA have the emergency contract awarded to En-Tech of New Jersey Corporation, 91 Ruckman, Closter, New Jersey 07624, in the amount of \$289,108.75. The Executive Director is hereby authorized to execute, and the Assistant Secretary to attest thereto, a form of contract and any necessary and related documents pursuant to this award. A roll call vote was taken with Mr. Valvano, Mr. Montenegro, Mr. Siddiqui, Mrs. Clement and Mr. Memoli all casting affirmative votes.

9A-11 – Resolution – Amend Award Contract – Emergency – Rain for Rent NJ

A motion was made by Mr. Valvano and seconded by Mr. Montenegro to authorize and amend the resolution awarding a contract for Emergency sewer and roadway repairs to Rain for Rent New Jersey. In conjunction with the TRMUA and Ocean County Utilities Authority (OCUA), have the available equipment and supplies to supply bypass pumps for the repair work. The Commissioners of the TRMUA the emergency contract awarded to Rain for Rent New Jersey, 1197 Aura Road, Monroeville, New Jersey 08343, in the amount of \$17,332.76. The Executive Director is hereby authorized to execute, and the Assistant Secretary to attest thereto, a form of contract and any necessary and related documents pursuant to this award. A roll call vote was taken with Mr. Valvano, Mr. Montenegro, Mr. Siddiqui, Mrs. Clement and Mr. Memoli all casting affirmative votes.

Unfinished Business

None

Committee Reports

Legal

1. Mr. Gluck noted that the most important aspect of his report is getting the Coronato Conflict Counsel Contract done. He gave his final revision to Dan Leone today to send it to Mr. Coronato for his final review.

2. Mr. Gluck also gave his comments and revisions to The Island Heights Shared Services Agreement and back again to Dan to finish up in the morning and get it out as well.

3. Mr. Gluck stated that they had the closing with the infrastructure NJIB loan on the 22nd and that was successful so they participated in that process, issued their opinion letters and made sure everything in conjunction with Mr. Otten and Mr. DiBiase got timely up to Bond Counsel to finish that up.

4. Counsel was asked to look into the Gabriel Run Affordable Housing requests to waive 50% of the fees on the affordable housing costs. They received back material and are in the process of reviewing it. Initially, it looks like they probably will qualify since the law change in 2018. Counsel will have a formal letter go out on that as well.

5. Counsel stated that on the Pitale vs the TRMUA and Lavallette matter, they were successful in arbitration, got no cause as to the Tom River MUA liability; however, Lavallette has the no vote, the arbitrator's decision, so that means it will go back on the trial schedule. They'll see if the plaintiffs will voluntarily let them out of the case or if they'll need to file the summary judgement motion.

6. Counsel noted that we all have covered Windsor Avenue enough and he has nothing particular to say.

7. Mr. Gluck is looking forward to having a real meeting next month.

8. Counsel mentioned that we have not been sued this month to their knowledge.

Mr. DiBiase asked the Chairman for the floor. A ratepayer, who has a Retro Fitness in Toms River, sent a letter to Mr. DiBiase asking for reduction because of covid-19. Mr. DiBiase explained the situation but he wanted to escalate to the Board Commissioners. Mr. DiBiase sent an e-mail to Counsel and cc'ed his assistant, Mr. Leone, as he wanted Counsel to explain the new law by Governor Murphy #A4126 to the Board. Mr. Gluck noted that he did not get a chance to collaborate as yet with his assistant but his thoughts are if we are going to allow a break to the ratepayers, we'll have to get a break from OCUA. Counsel will get back to the Board.

Engineering

Mr. Siddiqui had an Engineering Committee meeting. Mr. Siddiqui mentioned that they talk about all the things that were discussed at the meeting. Mr. Siddiqui had nothing more to add.

Regionalization

None

Land Use

None at this time.

Personnel

Concerning COVID-19, the MUA is taking every precaution making sure everyone is adhering to NJ State guidelines such as wearing their masks, gloves, washing their hands frequently, staying in their area, etc.

Mr. Valvano stated that they are not changing any job descriptions, it's not what this discussion is about, but one individual holds the QPA title, the Safety Officer title and the Compliance Officer title. Mr. Valvano asked if there was any discussion about merging these three job titles into one, as he is open to conversation.

Mr. DiBiase asked the Committee Chairman for the floor. Mr. DiBiase mentioned that we have a living document of job descriptions, all with twenty-four titles. As the responsibilities are changed from one title to another, we move them around and make that adjustment. Here are the job titles and here are the responsibilities. The individual's title that we have now is a combination of compliance and safety, very thoroughly written out before Mr. DiBiase was here. Now, we have another title from another individual but we are combining it with the compliance and safety. Nothing is being changed, we are just moving it. It will be Compliance, Safety and QPA. It coincides with what the individual is doing. Mrs. Clement commented that everyone cannot assume that this person will be doing the QPA job for instance. She was thinking more into the future and feels that title should be separate. Mr. Valvano noted that there are no motions needed from the Commissioners, this is just for discussion and clarification.

Mr. Valvano mentioned that they spoke about the list at their Committee meeting and would like to make sure that every Commissioner has a current list which includes the following information:

1. Employee's Name
2. Current Salary/Compensation
3. Each Employee – Are they a Union Employee or Non-Union Employee
4. Date of Hire

Mr. Valvano would like Mrs. Toye to get this information out to the Commissioners.

The Executive Director is conducting six months of evaluation after June 30th, point of information.

Mr. Valvano noted point of information, summer hours will be 10 hours a day.

Concerning the accuracy in billing and doing initiative it's been showing much promise. I believe we need discussion and motion on this. The temp will assist in turning fixture space on Township data. The wage would be \$21.00 an hour not to exceed \$6,000.00 on this expenditure. Mr. DiBiase mentioned that this was started approximately three months ago when everything stopped due to COVID19. Mr. DiBiase can now work on the accuracy in billing once more. What's going to happen is that he will have an accuracy in billing spread sheet to keep and hire the temp again to help with the spread sheets, keeping these customers accurate. Mr. Valvano made a motion, seconded by Mrs. Clement, to hire a temp for the accuracy in billing at \$21.00 an hour, not to exceed \$6,000.00. A roll call vote was taken with Mr. Valvano, Mrs. Clement, Mr. Montenegro, Mr. Siddiqui and Mr. Memoli all casting affirmative votes.

Mr. Valvano also mentioned that a LMO will be retiring January 1, 2021. Mr. DiBiase stated that he was a LMO from the B&G crew. Mrs. Clement ask if we needed to post it now. Chairman Memoli suggested to postpone it until the later part of this year.

Since we still were down in the rehab crew, Mrs. Clement made a motion, seconded by Mr. Valvano, to post this position immediately. A roll call vote was taken with Mrs. Clement, Mr. Valvano, Mr. Siddiqui, Mr. Montenegro and Mr. Memoli all casting affirmative votes.

AD HOC-UNION Contract

Negotiations are still in progress.

Public Comments

Chairman Memoli opened the meeting to comments from the Public. Mrs. Rosetto wanted to thank the Commissioners and Executive Director for keeping us safe. With no further comments, Chairman Memoli closed the public portion of the meeting.

Correspondence

Letter to Director – Retro Fitness

Resolution to Enter Executive Session

No executive session was held.

Adjournment

With no further business to come before the Board, a motion was made by Mrs. Clement and seconded by Mr. Valvano to adjourn the meeting at 6:25 p.m. The motion was carried by a unanimous voice vote.