

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

Agenda

March 28, 2017

The regular meeting of the Toms River Municipal Utilities Authority was held on Tuesday, March 28, 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

Carmen Memoli, Vice Chairman

Joseph Bilotta, Commissioner

Deborah Clement, Commissioner - Absent

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, Administrative Bookkeeping Specialist

Georgia Benyola, Executive Secretary/Assistant Secretary

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Meeting #1191 was called to order at 4:30 p.m., March 28, 2017 by Chairman Bellu.

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, Mr. Bilotta, Mr. Memoli and Mr. Bellu. Mr. Siddiqui was voting as Mrs. Clement was absent.

**Minutes of Meetings for Approval**

*A. Meeting #1190*

*February 28, 2017*

*New Submission*

A motion was made by Mr. Valvano and seconded by Mr. Bilotta to approve the minutes of Meeting #1190 February 28, 2017 as written. A roll call vote was taken with Mr. Valvano, Mr. Bilotta, Mr. Memoli, Mr. Siddiqui and Mr. Bellu all casting affirmative votes.

### **Disbursements**

A motion was made by Mr. Bilotta and seconded by Mr. Memoli to approve payment of the disbursements as listed in the amount of \$828,590.68. A roll call vote was taken with Mr. Bilotta, Mr. Memoli, with the exception for Dynamic Testing Service, Mr. Siddiqui, Mr. Valvano and Mr. Bellu all casting affirmative votes.

### **Additional disbursements**

A motion was made by Mr. Valvano and seconded by Mr. Bilotta to approve the additional disbursements as listed in the amount of \$1,790.74. A roll call vote was taken with Mr. Valvano, Mr. Bilotta, Mr. Memoli, Mr. Siddiqui and Mr. Bellu 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, Mr. Memoli, Mr. Bilotta and Mr. Bellu all casting affirmative votes.

### **Financial Reports**

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

### **Finance & Investments:**

Mr. Valvano noted that he had two concerns for discussion. First, Mr. Valvano reported that rates did go up several weeks ago and some of the Federal Governors were saying that it's very likely that there will be two or possibly three additional Federal increases. The Fed is also concerned that the stimulus could be derailed because of the government's big health care vote they had last week. Now they are keeping an eye on what gets passed and not just make the general assumption that everything that was spoken about, i.e., infrastructure, corporate tax cuts, personal tax cuts and so on, will pass.

Mr. Valvano's second concern dealt with one of our banks, Lakeland Bank F/K/A Harmony Bank. The Money Market Account that was opened with Harmony Bank approximately three years ago, used to waive their fees when interest was being transferred to our main bank. When Harmony merged with Lakeland Bank, everything remained the same for some time but this year, fees were being charged on the account and the Finance Committee was advised of the situation. Mr. Valvano feels that the rate on the account is not a bad rate and proposed to the Board that the interest remain in the account and not be transferred. Mrs. Rosetto mentioned that all revenues must go the Revenue Account. It doesn't have to be transferred monthly as long as it is done once a year. Counsel noted that as long as it doesn't violate the Authority's Cash Management Plan, once a year will be fine. Mrs. Rosetto stated that it does not violate the Plan. The Board agreed to Mr. Valvano's proposal to leave the interest in the account and transfer it at the end of each year. Mr. Valvano also mentioned that the CD that is currently with

Lakeland will be maturing shortly and he will be contacting the Bank to see what rates will be available. Some additional discussion continued and Chairman Bellu asked the Director if he had spoken to Acacia in a while. The Chairman suggested that we contact Acacia to see if we are doing what's right for our accounts. The Director agreed and stated that we would supply them with the information they request and have them do some research for us.

Mr. Valvano then made a motion, which was seconded by Mr. Bilotta, to reinvest the available funds of \$46,948.44 into the Ocean First Trust Custodial Account. A roll call vote was taken with Mr. Valvano, Mr. Bilotta, Mr. Siddiqui, Mr. Memoli and Mr. Bellu all casting affirmative votes.

### **Operating Reports**

A motion was made by Mr. Siddiqui and seconded by Mr. Bilotta that the operating reports be accepted as presented. Mr. Bellu brought up the Employee Manual/Handbook. Mr. Acropolis reported that the Manual had been sent to everyone back in January to review and comment, which also included the Union Rep and Labor Counsel. Since no input has been received, the Chairman informed the Board that it will be on the agenda for a decision at the next meeting. A roll call vote was taken with Mr. Siddiqui, Mr. Bilotta, Mr. Memoli, Mr. Valvano and Mr. Bellu 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, April 25, 2017 at 4:30 p.m. Mr. Bellu reminded everyone that Mr. Avalone will conduct the Appointed and Elected Officials Training prior to the meeting @ 4:00 p.m.

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

A motion was made by Mr. Valvano and seconded by Mr. Siddiqui approving the following resolutions, 9A-2B through (9A-5:

9A-2B – Authorization was given to purchase (1) one New/Unused 2017 Ford Super Duty F-550 DRW (F5H) XL 4WD Regular Cab 205” WB 120” CA with Knapheide Body Model KC132H2094J, installed through the National Joint Power Alliance Cooperative Purchasing System bid number 120716; and

9A-3 - Authorization was given to award the Restoration of the Sanitary Sewer Access Road Project to Down to Earth Landscaping, Inc., 705 Wright-Debow Road, Jackson, New Jersey 08527 in the amount of \$51,685.00; and

9A-4 - Authorization was given to award the Sewer and Manhole Rehabilitation Project, Contract No. SR-01-16A to Am-Liner East, Inc., 601 Jack Enders Boulevard, Berryville, Virginia 22611 in the amount of \$925,195.00; and

9A-5 - The Authority's Auditors recommendation to wait for the State to release the GASB 68 Pension reports needed to record pension data was approved by the Board. Once the information is received, the Auditors will attend the TRMUA monthly meeting and provide an update to the Board on the current status of the audit for the year ended December 31, 2016.

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

### **Unfinished Business**

None

## Committee Reports

### Legal

1. Mr. Gluck noted that the two bids that were sent to his office by the MUA were reviewed and resolutions were completed for today's meeting, which obviously were already approved. Counsel made reference to the letters in the handout outlining the various results/descrepancies. Counsel saw no problems with the low bid award.

2. Mr. Gluck reported that there was a subpoena that was served for a Mazzara Trucking. The subpoena was not in compliance with the court rules and it was served by a New York attorney who has been in practice for a very long time. Mr. Gluck wrote a letter rejecting the subpoena. Not to be an obstructionist, Counsel asked the plaintiff what it was that she wanted since the law suit has nothing to do with the MUA. After some discussion, plaintiff realized that having MUA personnel sit in the court room all day would only be more costly for her. She agreed that sending her the records would suffice, which she would be entitled to under OPRA anyway. Counsel mentioned that it was his understanding that Mr. Rutkowski was putting the package together so that they can get it to her by Friday. Mr. Gluck was able to kill the subpoena before having to file a formal motion.

3. Mr. Gluck reported that they got the letter out to Kmetz allowing them to withdrawal the bid. Counsel's understanding is that the DEP now wants a written explanation of why that happened. Dan Leone is putting the letter together that Mr. Gluck had dictated to him. The letter should be going out tomorrow. Kmetz will not be permitted to rebid on this next project.

4. Mr. Gluck mentioned that Mr. Rutkowski sent him an email requiring about Toms River Schools Interlocal Agreement. We had an Interlocal Agreement with them back in 2007 but it was for fueling only, which he doesn't know whether it renewed or if they are still filling up here.

Mr. Acropolis mentioned to Counsel that he probably didn't get a chance to see the email from Rich MacDonald today. Mr. MacDonald attended a conference last week on purchasing and one of the things they talked about was that Interlocal Agreements have now gone away and have been replaced by Shared Services. There are no more Interlocals. They are just considered Share Services. Mr. MacDonald did say that we have to update or have a new Shared Services agreement with the school district to include things other than fueling. The Director doesn't know whether Counsel wants to think about it, amend or make a new agreement but between him and our purchasing agent, they can work on it together. It was also mentioned that there is no specific time period so we can renew them every single year, if that's what we prefer.

5. Counsel made reference to the Safety Report that we got paid by Kiely for the damages that they did this past summer. It took a while but it was received.

6. Mr. Gluck mentioned that the MUA was sued this month. Robert Shea's office filed suit on behalf of a woman that hit a manhole cover and originally only had property damage but now is claiming all kinds of things. They filed the law suit on the eve of the statue. It is Mr. Gluck's understanding that JIF has assigned it out to other counsels for defense of that suit. Chairman Bellu asked the Director to look into using the Authority's Attorney.

7. Mr. Gluck mentioned that Mr. Rutkowski brought to attention that there is a website called Doxo. It is a third party billing or payment processing service and they are using the Toms River MUA logo. Apparently, you can go to their website and they will process a payment from your bank account to the MUA. It's an unnecessary middle man charge. Messrs. Gluck and Rutkowski just started looking into this and Counsel will report back sometime next week. Mr. Acropolis noted that when you click on the logo it does take you to our website.

### Finance

Mr. Valvano noted there were no further matters for discussion.

### Engineering

Due to Mrs. Clement's absence, Mr. Siddiqui proceeded with the engineering report mentioning that the meeting took place on Friday, March 24, 2017, with Mrs. Clement, Mr. Acropolis, Mr. Otten and himself being in attendance. Mr. Siddiqui mentioned that the Committee always discusses routine and ongoing projects but there are two or three significant projects right now that he would like to discuss.

1. Mr. Siddiqui was going to discuss the NJEIT Infrastructure Rehabilitation-Pump Stations 15 & 20 Supplement Force Mains (SR-03-09b); however, Mr. Gluck had already discussed it in his legal reports regarding Kmetz. Basically, we are still waiting for authorization from NJDEP.

2. The Capital Project-PS 16 Structural Project (“Storage Room Floor & Wetwell Staircase replacement is substantially complete.

3. Mr. Siddiqui mentioned the following replacement/installation was completed on the Capital Project-Pipe Rehabilitation: Bursting and Dig/Replace (PB-01-15): (night work):

On March 21-22, 2017, the contractor replaced 55 LF of 8” 0 PVC pipe with 10” 0 PVC pipe at the intersection of Washington Street and Main Street (Rt. 166) in downtown Toms River. This eliminated a flow “bottleneck” which had been plaguing TRMUA for years.

Chairman Bellu asked about the engineering consultants. He would like to have a report before or at the next meeting on what everyone is doing, what the status of the project is, when it was issued and when was it offered to them or are they in the process of all of them or just the one.

#### Personnel

Mr. Memoli noted that we have two items to discuss in executive session. Mr. Acropolis mentioned that the TO Chart could be talked about now and the Chairman agreed. Copies were given to the Board Members to examine. Mr. Acropolis noted that every time we bring up the TO Chart, we do so in order to get input from the Board. One of the things that came up, was not to talk about names on this Chart but instead just talk about positions only. If we use names, according to the new court decision, we would have to Rice Notice the employees and we haven’t Rice Noticed anyone for today. The Chairman did not want to discuss names but noted that the chain of command for Field Operations needs to be adjusted to show that the Engineering Assistant position doesn’t appear to be above the Field Engineering Assistant position. The Chairman noted where the line should be and the change will be made. The other change on the TO Chart was the title that was changed to Chief Financial Officer, formerly known as Controller. A motion was made by Mr. Memoli and seconded by Mr. Valvano to approve the changes on the TO Chart as discussed. A roll call vote was taken with Mr. Memoli, Mr. Valvano, Mr. Siddiqui, Mr. Bilotta and Mr. Bellu all casting affirmative votes.

#### Public Comment

Chairman Bellu opened the meeting to comments from the public. With no public comments the Chairman closed the public portion of the meeting.

#### Correspondence

An appreciation letter was received from one of our ratepayers who called for a stoppage problem. The stoppage was caused by heavy roots that had to be cut and cleared out. Not only was the ratepayer very pleased with the outcome of the work but she also wanted the Authority to know that “the gentleman who came was such a pleasant person and represented the sewer department very well. We should be very proud”.

#### Resolution to Enter Executive Session

A motion was made by Mr. Bilotta and seconded by Mr. Siddiqui to adopt the resolution to enter into Executive Session at 5:11 p.m. The motion was carried by a unanimous voice vote.

#### Public Session Reconvened at 5:28 p.m.

Chairman Bellu announced we were back in Public Session. Chairman stated there was no business or discussion to carry further into the regular meeting. He asked if there were any comments or questions. Seeing none, the Chairman asked for a motion to adjourn.

With no further business before the Board, a motion was made by Mr. Bilotta and seconded by Mr. Siddiqui to adjourn the meeting at 5:30 p.m. The motion was carried by a unanimous voice vote.