

TOMS RIVER MUNICIPAL UTILITIES AUTHORITY

Meeting Number Twelve Hundred Eighteen

Agenda

May 28, 2019

The regular meeting of the Toms River Municipal Utilities Authority was held on Tuesday, May 28, 2019 at 4:30 P.M. at the office of the Authority, 340 West Water Street, Toms River, New Jersey 08753.

The following were present:

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

Meeting #1218 was called to order at 4:30 p.m., May 28, 2019 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 then called the roll. Dr. Manforti, Mr. Montenegro, Mr. Valvano, Mrs. Clement, Mr. Bilotta, Mr. Siddiqui and Mr. Memoli were present.

2A Audit Draft Review - 2018

At this time, Chairman Memoli introduced Lauren Holman and Dana Montanelli, from Holman Frenia Allison, who proceeded to present the 2018 audit draft. Mrs. Holman noted that they are still waiting for the GASB75 report from the State. Once they are released from the State of New Jersey, they will adjust the numbers to the draft audit and re-submit for the next meeting. Both ladies were happy to say that the Authority had another clean audit this year and also mentioned that they always receive complete cooperation from all the employees.

Minutes of Meetings for Approval

A. Meeting #1217 - April 23, 2019 - New Submission

A motion was made by Mr. Valvano and seconded by Mr. Bilotta to approve the minutes of Meeting #1217, April 23, 2019 as written. A roll call vote was taken with Mr. Valvano, Mr. Bilotta, Mr. Siddiqui, Mrs. Clement and Mr. Memoli all casting affirmative votes.

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 \$3,458,036.60. Mr. Siddiqui had a question regarding the ESRI disbursement. A discussion was held and Mrs. Rosetto was asked to look into the matter and report back to the Commissioners. A roll call vote was taken with Mr. Bilotta, Mrs. Clement, Mr. Siddiqui, Mr. Valvano and Mr. Memoli all casting affirmative votes.

Additional Disbursements

A motion was made by Mr. Siddiqui and seconded by Mr. Bilotta to approve payment of the additional disbursements as listed in the amount of \$2,310.87. A roll call vote was taken with Mr. Siddiqui, Mr. Bilotta, Mrs. Clement, Mr. Valvano and Mr. Memoli all casting affirmative votes.

Trust Fund for Contracts

A motion was made by Mrs. Clement and seconded by Mr. Bilotta to approve the release from the Trust Fund for Contracts as listed in the amount of \$15,208.85. A roll call vote was taken with Mrs. Clement, Mr. Bilotta, Mr. Siddiqui and Mr. Memoli all casting affirmative votes. Mr. Valvano abstained.

Ratification of Investment & Transfer Resolutions

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

Financial Reports

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

Finance & Investments: 6G

Mr. Valvano mentioned that the auditors did do a great job explaining the audit. He also stated that the audit, as everyone heard, was clean again, which is fantastic for the Authority and our employees who work so diligently to keep it clean. Mr. Valvano also mentioned that in July he and Mr. Bilotta are going to have a finance meeting where they're going to invite the Executive Director and CFO. This will be a mandatory invite, as they are going to discuss the revenue needs of the Authority going forward. Other employees may also be called in as needed.

Mr. Valvano then made a motion, seconded by Mr. Bilotta to reinvest the available funds of \$30,403.14 into the Ocean First Trust Custodial Account. A roll call vote was taken with Mr. Valvano, Mr. Bilotta, Mrs. Clement, Mr. Siddiqui and Mr. Memoli all casting affirmative votes.

Operating Reports

A motion was made by Mr. Valvano and seconded by Mr. Bilotta that the operating reports 7A-7G were accepted as presented. Mr. Siddiqui asked for a clarification regarding paragraph 2 from the safety report. Notification from NJDEP was sent to the Authority advising that the current general air permit associated with TRMUA's Fuel Service Station has been replaced by a new general air permit. Mr. Rutkowski proceeded to explain further. A roll call vote was taken with Mr. Valvano, Mr. Bilotta, Mrs. Clement, Mr. Siddiqui and Mr. Memoli all casting affirmative votes.

Development Applications-Major Sub Divisions

A motion was made by Mr. Bilotta and seconded by Mr. Siddiqui to approve the final application for Sub-Division D-254L, Sears Redevelopment, Ocean County Mall, Hooper & Oak Avenue. A roll call vote was taken with Mr. Bilotta, Mr. Siddiqui, Mrs. Clement, Mr. Valvano and Mr. Memoli all casting affirmative votes

Authority Meeting

The next Authority meeting was confirmed for Tuesday, June 25, 2019 at 4:30 p.m.

Adoption of Resolutions/Capital Purchases

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

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

9A-2B - Authorization was given to purchase one (1) Trimble Geo &X GPS Unit from Keystone Precision Instruments, 1670 E. Race Street, Allentown, PA 18109, at a cost not to exceed \$8,080.00.

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

9A-3 – Resolution - Amend Comcast Fiber Award

A motion was made by Mr. Bilotta and seconded by Mr. Valvano authorizing an amendment to the existing agreement to increase its bandwidth at a cost of \$45.00 per month, increasing the agreement amount from \$830.00 to \$875.00 per month. The Executive Director is also authorized to execute and the Assistant Secretary to attest to the proposed form of contract, which shall be available for public examination during normal business hours. A roll call vote was taken with Mr. Bilotta, Mr. Valvano, Mrs. Clement, Mr. Siddiqui and Mr. Memoli all casting affirmative votes.

9A-4 – Resolution - Shared Services -Twp. of Toms River

A motion was made by Mr. Bilotta and seconded by Mrs. Clement to approve shared services between Toms River Municipal Utilities Authority and the Township of Toms River and authorizing the Executive Director to execute and the Assistant Secretary to attest the shared services agreement. Mr. Siddiqui noticed that the time period of the agreement was not mentioned in the resolution. Mr. Gluck stated that it's mentioned in the shared services agreement; however, Counsel, with Board's approval, can change it to make sure that the final copy adopted has the actual term. The Board agreed and the resolution will be amended to include the time frame situated in the actual agreement. A roll call vote was then taken with Mr. Bilotta, Mrs. Clement, Mr. Siddiqui, Mr. Valvano and Mr. Memoli all casting affirmative votes.

9A-5 – Resolution -Awarding Purchase & Delivery of Aggregates

A motion was made by Mr. Bilotta and seconded by Mrs. Clement approving the awarding Purchase & Delivery of Aggregates. Mr. Gluck reviewed his bid letter and resolution thoroughly to the Commissioners and clarified any questions that were asked. Counsel recommended that the TRMUA reject the low bid for Aggregates Item 37. He doesn't feel that we have to rebid, we can deal with it in-house and won't have to advertise at this point and the rebid process. With that advice, Mr. Gluck noted that we don't have to do anything to change the resolution that's there, it gives us the authority to rebid it if you so choose or not to bid. The Commissioners agreed with Mr. Gluck's recommendation. A roll call vote was taken with Mr. Bilotta, Mrs. Clement, Mr. Siddiqui, Mr. Valvano and Mr. Memoli all casting affirmative votes.

Unfinished Business

Mr. DiBiase commented that after many back and forth discussions, the Comcast vs. Verizon issue is now closed.

Mrs. Clement asked how Mr. Bundra is making out with the software that was purchased to prevent hacking. Mr. DiBiase stated that Bundra informed him that there have been many attempts to get into the system not only from this country but from all over the world. Mr. DiBiase feels that Bundra has done an exceptional job in keeping them away and we can honestly say that the software has been very successful.

The IT Department will require a back-up. A future discussion will describe the necessity and a schedule to hire a P.C. person.

Committee Reports

Legal

1. **Grease Trap Ordinance**: Bid award grease trap ordinance is in final form. Should have it finalized for the Township to consider.

2. **Pitale/Lavallette-Litigation**: Ms. Pitale was deposed early this month. She did not identify any TRMUA personnel or workers in the area where she allegedly tripped and fell. She did identify a third party contractor which was working for NJ American Water. There's a motion to amend the complaint confirming that contract, which will be heard this Friday.

3. **Shared Service Agreements**: There's an old Brick/MUA agreement from 1973 with regards to the delivery of their waste water to our system. Mr. Otten is looking into that agreement to see if we need to update anything. There was also another agreement back in 2002 with Jackson/MUA agreement with regards to the delivery of their waste water to our system. Mr. Otten will also look into that agreement.

Shared Services Agreement with the Township of Toms River, was approved at the meeting this evening.

Shared Services Agreement with Island Heights expires on July 31, 2019. Mr. Gluck stated that we are maintaining and repairing a twelve inch sanitary sewer line for them.

4. Mr. Gluck mentioned that he has not yet resolved the claims with Earle yet. Counsel wants to get it done whether it's through the court process or sending us a check.

5. Mr. Gluck noted there was no new litigation since last month.

Engineering

Mr. Siddiqui noted there was nothing to report this month.

Land Use

Mr. Bilotta stated that everyone is aware that the office renovation is in progress. Mr. DiBiase noted that we are 95% done and suggested that the Board take a walk, before leaving the building, and see what the B&G crew has accomplished.

Personnel

Mr. Bilotta, Dr. Manforti and Mr. DiBiase had their Committee meeting. Mr. Bilotta mentioned that the new LMW employee is still in training. So far, all the reports that the Committee has seen have been good.

Mr. Bilotta also reported that an LMO employee has been assisting our lead mechanic and will be receiving an extra \$2.00 per hour, when he is doing that type of work.

Social media information is still in legal review but should be available next month and placed in our policy.

Mr. Bilotta gave Mr. DiBiase the floor to talk about the Shared Services. Mr. DiBiase commented that our Shared Services agreements are in all surrounding towns. It obligates us to take care of our equipment and personnel involved with the equipment and having it ready. This is a cost to the MUA but not a cost to the towns that are benefiting. The overhead is on us. Going forward, Mr. DiBiase thinks that they should explore the possibility of enhancing the current shared resource agreements to offer more services at a going rate that would be fair to all. Counsel brought up some pros and cons that he feels have to be discussed further before any decision is made. The Regionalization Committee will begin to examine the pros and cons early in July, as mentioned by all.

Chairman Memoli asked when we were going to open up the contract negotiations with the Rank & File Teamsters. The Director noted that they can start and have some preliminary meetings. The Chairman also said that the Foremen mentioned that they wanted to open their contract this year. The Director mentioned that we did receive a letter from the Union President stating that both were due this year. The TRMUA sent him a letter back stating that the Foremen's contract wasn't due until next year. They apologized and said it was an error and it is due for next year.

Public Comments

Chairman Memoli opened the meeting to comments from the Public. For information only, Mrs. Rosetto mentioned that there was another accident about two hours before this meeting today. Mr. Gluck stated that he was meeting with John Ernst on Thursday. With no additional comments, Chairman Memoli closed the public portion of the meeting.

Correspondence

Mr. DiBiase stated that there was a call from a ratepayer who wanted to commend Bill McDonald and his crew for their politeness, excellent communication and neatness. She had to call to let us know how pleased she was, as she was not accustomed to having workers as professional as our crew working near her home on Walnut Creek Drive. This was a very nice compliment for the crew and a copy of the letter will be placed into each of their files.

Mr. Gluck asked the Chairman if he could open up his report for a moment. The Chairman approved. From unfinished business from the last meeting, Counsel had an issue with the Consent-to-use agreement with Dan-D and Counsel did look into this. He found a tax map which includes a County drainage easement, a DOT access agreement, a 10 ft. water utility company easement, another dash line that was not identified and a NJ Natural Gas Company utility easement. The only easement that is actually recorded with any words in the County Clerk's Office is the NJ Natural Gas easement. Counsel needs more clarification from Dan-D, as he is still working on it and hopefully will have more answers by the next meeting. Counsel will send the documentation to Mr. Otten to review.

Resolution to Enter Executive Session

No executive session was held.

With no further business to come before the Board, a motion was made by Mr. Valvano and seconded by Mr. Bilotta to adjourn the meeting at 5:46 p.m. The motion was carried by a unanimous voice vote.