

# TOMS RIVER MUNICIPAL UTILITIES AUTHORITY

## Meeting Number Twelve Hundred Twenty-three

Agenda

October 22, 2019

The regular meeting of the Toms River Municipal Utilities Authority was held on Tuesday, October 22, 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

Tariq M. Siddiqui, Vice-Chairman

Deborah L. Clement, Commissioner

Charles S. Valvano, Commissioner

Ben A. Montenegro, Commissioner

Joseph G. Bilotta – Alt. Commissioner

Dr. Alfonso J. Manforti – Alt. Commissioner

Robert J. DiBiase, Ex. Director/Sec’y.-Treas.

Daniel G. Leone, 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.

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Meeting #1223 was called to order at 4:30 p.m., October 22, 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. Bilotta, Mr. Montenegro, Mr. Valvano, Mrs. Clement, Mr. Siddiqui and Mr. Memoli were present.

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

*A. Meeting #1222 - September 24, 2019 - New Submission*

A motion was made by Mrs. Clement and seconded by Mr. Valvano to approve the minutes of Meeting #1222, September 24, 2019 as written. A roll call vote was taken with Mrs. Clement, Mr. Valvano, Mr. Siddiqui, Mr. Montenegro and Mr. Memoli all casting affirmative votes.

A motion was made by Mr. Valvano and seconded by Mrs. Clement to approve the minutes of Executive Session #1222, September 24, 2019 as written. A roll call vote was taken with Mr. Valvano, Mrs. Clement, Mr. Montenegro, Mr. Siddiqui and Mr. Memoli all casting affirmative votes.

**Disbursements**

A motion was made by Mr. Valvano and seconded by Mr. Montenegro to approve payment of the disbursements as listed in the amount of \$451,165.13. A roll call vote was taken with Mr. Valvano, Mr. Montenegro, Mr. Siddiqui, with the exception of his RX reimbursement, Mrs. Clement and Mr. Memoli all casting affirmative votes.

*Additional Disbursements*

A motion was made by Mr. Valvano and seconded by Mr. Siddiqui to approve payment of the additional disbursements as listed in the amount of \$867.12. A roll call vote was taken with Mr. Valvano, Mr. Siddiqui, Mrs. Clement, Mr. Montenegro and Mr. Memoli all casting affirmative votes.

*Trust Fund for Contracts*

A motion was made by Mr. Siddiqui and seconded by Mr. Montenegro to approve the release from the Trust Fund for Contracts as listed in the amount of \$18,437.02. A roll call vote was taken with Mr. Siddiqui, Mr. Montenegro, Mrs. Clement, Mr. Valvano, with the exception of item number one (1), and Mr. Memoli all casting affirmative votes.

**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. Montenegro, Mr. Siddiqui and Mr. Memoli all casting affirmative votes.

*Finance & Investments: 6G*

Mr. Valvano noted that he and Mrs. Rosetto had a conversation and they both agreed that nothing really changed that hadn't been reported already. Mr. Valvano took a moment to say that there was an article in the Wall Street Journal concerning hackers hitting many municipalities, many by freezing their information and asking for ransom, which many do, since it would cost less money to pay the ransom rather than fixing the problem, which would cost even more. He also heard that some insurance carriers are now writing separate policies for ransom.

Mr. Valvano then made a motion, seconded by Mrs. Clement to reinvest the available funds of \$33,555.58 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 Mr. Siddiqui and seconded by Mrs. Clement that the operating reports 7A-7G were accepted as presented. A roll call vote was taken with Mr. Siddiqui, Mrs. Clement, Mr. Valvano, Mr. Montenegro 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, November 26, 2019 at 4:30 p.m. immediately after the Rate Hearing at 4:00 p.m.

### **Adoption of Resolutions/Capital Purchases**

9A-2A – There were no IPC Purchases for ratification.

9A-2B – A motion was made by Mr. Siddiqui and seconded by Mr. Valvano approving the purchase of (1) one Quick Lock Adjustable Packer size 350-500mm from Tri State Environmental Services, LLC, 112 Phillip Rd, Milford, NJ 08848 at a cost not to exceed \$6,781.00. A roll call vote was taken with Mr. Siddiqui, Mr. Valvano, Mr. Montenegro, Mrs. Clement and Mr. Memoli all casting affirmative votes; and

9A-3 - A motion was made by Mrs. Clement and seconded by Mr. Valvano to extend the contract to Advanced Computer Concepts, Inc. t/a Trec for the Printing and Mailing of the 2020 and 2021 Sewer Bills and Reminder Notices as per the schedule of prices and in compliance with the proposal specifications. Total contract amount shall not exceed \$24,000.00. Executive Director is hereby authorized to execute and the Assistant Secretary to attest to the proposed form of contract. A roll call vote was taken with Mrs. Clement, Mr. Valvano, Mr. Montenegro, Mr. Siddiqui and Mr. Memoli all casting affirmative votes; and

9A-4 - A motion was made by Mr. Valvano and seconded by Mr. Siddiqui to authorize the Authority QPA to advertise for the receiving of Requests for Qualifications and to prepare formal specifications for Professional Services for 2020 in accordance with Chapter 19, P.L. 2004 (Pay to Play). A roll call vote was taken with Mr. Valvano, Mr. Siddiqui, Mrs. Clement, Mr. Montenegro and Mr. Memoli all casting affirmative votes.

9A-5 - A motion was made by Mrs. Clement and seconded by Mr. Valvano authorizing the appropriation transfer for \$3,000 be made to the approved 2019 budget. A roll call vote was taken with Mrs. Clement, Mr. Valvano, Mr. Montenegro, Mr. Siddiqui and Mr. Memoli all casting affirmative votes.

### **Unfinished Business**

Mr. DiBiase mentioned that on December 18, 2018 there was a need to amend the Employee Handbook in order to comply with the new governmental/ JIF's policies. The resolution was agreed upon and adopted that day. The Compliance Officer has completed the Toms River Municipal Utilities Employee Handbook. Handbooks were given to the Commissioners for their file.

### **Committee Reports**

#### **Legal**

1. Island Heights: At the last meeting, Mr. Leone noted that we had discussed that shared services agreement. Mr. Leone stated that he wrote a letter to the Borough Counsel outlining several items that were needed to include in the new agreement including adding the properties that

were not listed or not being billed in the Borough by the MUA, increasing the annual service charge rates and passing along future increases to the Borough. Mr. Leone recommended to the Borough Counsel that we draft a new agreement. Counsel responded to his letter basically indicating that the Borough Council wants to move forward with a new agreement with the suggested revisions. We are drafting a new agreement and will sent it to the Regionalization Committee for their review.

2. Conrail: Just a reminder, Mr. Leone knows that Mrs. Rosetto is on top of this but the annual lease payment for the Conrail property is due on November 1, 2019.

3. Litigation: Counsel mentioned that he has two litigation matters that he will bring up in executive session.

#### Engineering

The Engineering Committee meeting was held yesterday and Mr. Siddiqui mentioned that Mr. DiBiase and Mr. Otten have been working on an accuracy in billing project which will be proposed/implemented in the rate schedule for 2020. Mr. Siddiqui stated that the briefing was very interesting and he was very pleased with the outcome.

Mr. DiBiase mentioned that they have been working with the Township to get the appropriate information at the right time. They were getting it in the permit and early stages but not the completed stages where the fixture count changes. That's part of this accuracy in billing that we are going after. The whole Township will be involved. Counsel will also be brought in as needed.

#### Regionalization

Mr. Siddiqui mentioned that Island Heights was already discussed by Mr. Leone. Mr. Siddiqui also knows that Counsel is working on Brick and Berkeley for the upcoming year.

#### User Charge

Nothing to report at this time.

#### Land Use

Mr. Bilotta spoke with the Executive Director. There were no updates.

#### Personnel

Chairman Memoli will discuss personnel in executive session. Mr. DiBiase reminded the Chairman that a promotion will take effective on November 1, 2019, once approved by the Board.

#### **Public Comments**

Chairman Memoli opened the meeting to comments from the Public. Mrs. Rosetto asked Mr. Rutkowski to check with the gas company as to the progress of Herflicker Blvd. Mr. Rutkowski was told it should be open towards the end of October, the latest November. We should have some action in the next two weeks. Mr. Leone stated that there are DOT guide lines for coming off the parkway. It's a poor design area that was probably completed back when Toms River was not so congested. He hasn't heard anything from his end but he does know that the County is working with DOT redoing that area. With no additional comments, Chairman Memoli closed the public portion of the meeting.

Mr. DiBiase referred back to the User Rates. It was agreed that a Rate Hearing will take place and in order to comply with State regulations and time guidelines, the Director asked the Board to approve the Rate Hearing. A motion was make by Mrs. Clement and seconded by Mr. Valvano to post the publication in both the AP Press and Star Ledger on November 6, 2019. A roll call vote was taken with Mrs. Clement, Mr. Valvano, Mr. Montenegro, Mr. Siddiqui and Mr. Memoli all casting affirmative votes.

### **Correspondence**

The Director was advised that one of our ratepayers on Mt. Juliano Lane had called for a stoppage problem and was very pleased with our crew member, Frank Pascarella, who took time to explain the situation to her. She also called his supervisor and stated that Frank was professional, courteous and well trained. A commendation letter will be placed in his personnel file.

### **Resolution to Enter Executive Session**

A motion was made by Mr. Montenegro and seconded by Mr. Valvano to adopt the resolution to enter Executive Session at 5:07 p.m. to discuss personnel matters, litigation and potential litigation. The motion was carried by unanimous voice call.

### **Public Session reconvened at 5:40 p.m.**

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 5:40 p.m. The motion was carried by a unanimous voice vote.