

TOMS RIVER MUNICIPAL UTILITIES AUTHORITY

Meeting Number Twelve Hundred Seventeen

Agenda

April 23, 2019

The regular meeting of the Toms River Municipal Utilities Authority was held on Tuesday, April 23, 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

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 #1217 was called to order at 4:30 p.m., April 23, 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.

2018 Audit Draft Review

Chairman Memoli mentioned that Mr. Holman, from Holman Frenia Allison, P.C., postponed the Audit Draft Review until the next meeting on May 28, 2019.

Minutes of Meetings for Approval

A. Meeting #1216 - March 26, 2019 - New Submission

A motion was made by Mrs. Clement and seconded by Mr. Bilotta to approve the minutes of Meeting #1216, March 26, 2019 as written. A roll call vote was taken with Mrs. Clement,

Mr. Bilotta, Mr. Valvano, Mr. Siddiqui and Mr. Memoli all casting affirmative votes.

B. Ex. Session #1216 - March 26, 2019 - New Submission

A motion was made by Mr. Valvano and seconded by Mr. Siddiqui to approve the minutes of the Executive Meeting #1216, March 26, 2019 as written. A roll call vote was taken with Mr. Valvano, Mr. Siddiqui, Mr. Bilotta, Mrs. Clement and Mr. Memoli all casting affirmative votes.

Disbursements

A motion was made by Mr. Bilotta and seconded by Mr. Valvano to approve payment of the disbursements as listed in the amount of \$1,035,471.52. A roll call vote was taken with Mr. Bilotta, Mr. Valvano, Mrs. Clement, Mr. Siddiqui and Mr. Memoli, who had an exception of EZNergy, all casting affirmative votes.

Additional Disbursements

A motion was made by Mr. Bilotta and seconded by Mrs. Clement to approve payment of the additional disbursements as listed in the amount of \$50.00. A roll call vote was taken with Mr. Bilotta, Mrs. Clement, Mr. Siddiqui, Mr. Valvano 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. Bilotta, Mr. Siddiqui 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. Bilotta, Mr. Siddiqui and Mr. Memoli all casting affirmative votes.

Finance & Investments: 6G

Mr. Valvano met with Mrs. Rosetto, CFO. As previously stated, the audit draft will be presented next month. The loan from the NJIB hopefully will be closing sometime in May. Mr. Valvano also stated that they just had their training to reduce their insurance premium. He asked to make it part of the record that Mr. Michael Avalone, Vice President Governmental Risk Management Practice Leader from Connor Strong, did all the training and because of that training, the Authority will receive a \$2,000.00 discount on their insurance this year.

Mr. Valvano then made a motion, seconded by Mrs. Clement to reinvest the available funds of \$30,254.61 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 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. Bilotta, Mr. Valvano 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, May 28, 2019 at 4:30 p.m.

Adoption of Resolutions/Capital Purchases

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

9A-3 – A motion was made by Mr. Bilotta and seconded by Mr. Valvano to approve Member participation in the North Jersey Wastewater Co-Op Pricing System with the Passaic Valley Sewerage as the “Lead Agency. Authorization was also given to the Executive Director to execute and the Assistant Secretary to attest to the agreement. A roll call vote was taken with Mr. Bilotta, Mr. Valvano, Mr. Siddiqui, Mrs. Clement and Mr. Memoli all casting affirmative votes.

9A-5 - A motion was made by Mr. Bilotta and seconded by Mr. Valvano to approve a shared services agreement between Toms River Municipal Utilities Authority and the Toms River Regional Schools Board of Education (TRRSBOE) and authorizing the Executive Director to execute and the Assistant Secretary to attest the shared services agreement. A roll call was taken with Mr. Bilotta, Mr. Valvano, Mrs. Clement, Mr. Siddiqui and Mr. Memoli all casting affirmative votes.

9A-4 – Approval-Consent to Use Sanitary Sewer Easement & Agreement

A motion was made by Mr. Siddiqui and seconded by Mrs. Clement approving the consent-to-use sanitary easement and to sign agreement between TRMUA & DAN-D, Inc. A roll call was taken with Mr. Siddiqui, Mrs. Clement, Mr. Bilotta and Mr. Valvano all casting affirmative votes. Mr. Memoli abstained.

Mr. Gluck asked the Chairman if he could go back to 9A-4 agenda. Mr. Gluck advised the Board that his office received a copy of the proposed consent-to-use easement agreement yesterday from Mr. Otten. When he looked at it today and requested to see a copy of the easement, it turned out that we did not have an easement but on our GIS it showed something that looks like an easement but there’s no easement language. Counsel stated that before the Board approves anybody to work on that easement, he will need to review it to make sure we have the authority to allow them. Mr. Gluck asked the Board to rescind the approval and table it until he gets a chance to go to the County Clerks’ Office to see if there is an easement. According to Mr. Otten, there is an easement that’s reflected on our GIS map. Counsel stated that it must be somewhere whether or not it’s defined or how it came about, he will need to track it down. He will see what he has in his files and order a title search to see what it reveals. Mr. Gluck is not sure if we may have to go to the original grantor to get permission or who even drafted this consent agreement that we had presented to us this evening. There are also some other terms in there that need to be tightened up a little with the language. Counsel would also like to include some type of performance bond and a maintenance bond for any work they do in the easement.

A motion was made by Mr. Siddiqui and seconded by Mrs. Clement to rescind the consent-to-use sanitary easement and sign agreement between TRMUA & DAN-D, Inc., that was just approved. A roll call vote was taken with Mr. Siddiqui, Mrs. Clement, Mr. Bilotta and Mr. Valvano all casting affirmative votes. Mr. Memoli abstained.

A motion was then made by Mr. Siddiqui and seconded by Mrs. Clement to table the consent-to-use sanitary easement and to sign agreement between TRMUA & Dan-D, Inc. A roll call vote was taken with Mr. Siddiqui, Mrs. Clement, Mr. Valvano and Mr. Bilotta all casting affirmative votes. Mr. Memoli abstained.

Unfinished Business

None

Committee Reports

Legal

1. Counsel noted that they finished up negotiations for the shared services agreement with the Toms River Regional Schools Board of Ed, which was approved this evening.

2. Counsel stated that the Lavallette case is still in discovery. They have been finding more and more information favorable to them. Counsel is looking to file another motion on that soon. There really hadn’t been too much activity on the discovery side as far as depositions or anything but it appears it’s leaning towards the water company.

3. Mr. Gluck mentioned that Mr. Leone put together the first rough draft of the ordinance for the grease traps, based upon the information that was provided to him. Mr. Rutkowski drafted his comments and will now have to go to Mr. Otten and Mr. DiBiase as well. Counsel looked at it for the first time today and wants to make sure they put in there who is going to be responsible for the enforcement. A copy of the draft will be sent to the Commissioners for review.

4. Mr. Gluck received a call from the County Engineer indicating that a certain Freeholder asked him to take a look into this situation and the traffic flow here on Highland Parkway. They are looking into it and expect a report shortly.

5. Mr. Gluck noted that we have not been served with any new law suits in the last month.

Engineering

Mr. Siddiqui noted that the Engineering Committee met yesterday. They had a discussion regarding the Consent-to-Use Easement regarding the water main installation by the Shoprite grocery store. Mr. Siddiqui had some concerns which he shared with the Executive Director and Committee by email. He's now pleased that Mr. Gluck will be looking at it more closely and will discuss it at the next meeting.

Land Use

None

Personnel

Mr. Bilotta wanted to mention that the new hire is starting on May 1, 2019. His name is Franco Bramante. He gave notice to Ocean County grounds where he came from and his Welcome letter was sent and confirmed. Mr. Bilotta reiterated that he was one of the six that were interviewed, he was the second choice and when the first choice resigned, Mr. Bramante was called. Personnel felt more comfortable with him and thought he was most qualified. He will be on a 90 day probation period at a 75% salary and will be evaluated at 30, 60 and 90 days. TRMUA will be cross-training from rehab to construction to pump station.

Public Comments

Chairman Memoli opened the meeting to comments from the Public. Mrs. Rosetto thanked the Board for standing on top of this situation regarding the intersection and traffic flow on Highland Parkway. With no additional comments, Chairman Memoli closed the public portion of the meeting.

Correspondence

Mr. DiBiase wanted to mention to the Board that many inquiries were coming in from people around the State wanting to come to the Authority to meet our crew and our operation, specifically the Jet Vac, which was customized by the TRMUA and has been working so well for us. When Mr. Turk had the truck down at Atlantic City, it caused a lot of interest and people were coming to see its operation because of our success.

With no further business to come before the Board, a motion was made by Mr. Valvano and seconded by Mrs. Clement, to adjourn the meeting at 4:53 p.m. The motion was carried by a unanimous voice vote.