

TOMS RIVER MUNICIPAL UTILITIES AUTHORITY

Meeting Number Twelve Hundred Twenty-one

Agenda

August 27, 2019

The regular meeting of the Toms River Municipal Utilities Authority was held on Tuesday, August 27 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.

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 #1221 was called to order at 4:30 p.m., August 27, 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 #1220 - July 23, 2019 - New Submission

A motion was made by Mr. Valvano and seconded by Mr. Siddiqui to approve the minutes of Meeting #1220, July 23, 2019 as written. A roll call vote was taken with Mr. Valvano, Mr. Siddiqui, Mr. Montenegro, Mrs. Clement and Mr. Memoli all casting affirmative votes.

A motion was made by Mr. Valvano and seconded by Mr. Siddiqui to approve the minutes of Executive Session #1220, July 23, 2019 as written. A roll call vote was taken with Mr. Valvano, Mr. Siddiqui, Mrs. Clement, Mr. Montenegro and Mr. Memoli all casting affirmative votes.

Disbursements

A motion was made by Mrs. Clement and seconded by Mr. Valvano to approve payment of the disbursements as listed in the amount of \$882,044.94. A roll call vote was taken with Mrs. Clement, Mr. Valvano, Mr. Montenegro, Mr. Siddiqui 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 \$1,554.13. A roll call vote was taken with Mr. Valvano, Mr. Siddiqui, Mrs. Clement, Mr. Montenegro and Mr. Memoli all casting affirmative votes.

Ratification of Investment & Transfer Resolutions

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

Financial Reports

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

Finance & Investments: 6G

Mr. Valvano stated that he and Mr. Bilotta had a Finance meeting yesterday with the Executive Director. After their discussion, the Director asked if the Committee would agree in meeting a gentleman who possibly could help the Authority get some grants for their projects. Mr. Valvano and Mr. Bilotta agreed in attending the meeting that is scheduled for September and are looking forward seeing what their company can do for us.

Mr. Valvano then made a motion, seconded by Mr. Montenegro to reinvest the available funds of \$30,768.12 into the Ocean First Trust Custodial Account. A roll call vote was taken with Mr. Valvano, Mr. Montenegro, Mrs. Clement, 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. Montenegro, 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, September 24, 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. Valvano and seconded by Mr. Montenegro to approve Change Order No. 1-Final be authorized and that Contract SR-01-16B issued to Kenyon Pipeline Inspections, LLC be decreased by \$32,954.63 and the contract be commensurately decreased from \$1,891,050.00 to \$1,858,095.37. A roll call vote was taken with Mr. Valvano, Mr. Montenegro, Mr. Siddiqui, Mrs. Clement and Mr. Memoli all casting affirmative votes.

9A-4 - A motion was made by Mrs. Clement and seconded by Mr. Siddiqui authorizing to advertise for the receiving of bids and to prepare the formal bid specifications for the Acquisition of Pivoted Turnbuckle Manhole Riser Rings. A roll call vote was taken with Mrs. Clement, Mr. Siddiqui, Mr. Valvano, Mr. Montenegro and Mr. Memoli all casting affirmative votes.

9A-5 - A motion was made by Mr. Siddiqui and seconded by Mrs. Clement authorizing that the 2019 Uhrig Quicklock Clamps Contract is hereby awarded to Pipeline Renewal Technology, LLC, 111 Canfield Avenue, Unit B3, Randolph, New Jersey, 07869, in the amount of \$254,680.25. A roll call vote was taken with Mr. Siddiqui, Mrs. Clement, Mr. Montenegro, Mr. Valvano and Mr. Memoli all casting affirmative votes.

9A-6 – A request was made to the Commissioners to approve \$1,034,403.39 from Rehab to be reserved for Capital Expenditures, retroactive to 1/1/19. A roll call vote was taken with Mr. Siddiqui, Mr. Valvano, Mrs. Clement, Mr. Montenegro and Mr. Memoli all casting affirmative votes.

9A-7 – A motion was made by Mrs. Clement and seconded by Mr. Valvano to table the Draft presented for approval for the TRMUA 5 Year Capital Plan 2020-2025, until the next meeting on September 24, 2019. A roll call vote was taken with Mrs. Clement, Mr. Valvano, Mr. Montenegro, Mr. Siddiqui and Mr. Memoli all casting affirmative votes.

9A-8 – The Board of Commissioners directed Mrs. Rosetto to process the formal request for the appropriation for the Township. The motion was made by Mrs. Clement and seconded by Mr. Valvano to proceed and remit the appropriation of 5% of the operating assets to the Toms River Township, in the amount of \$973,383.00, which was originally approved and budgeted for year 2019 and to table the 2020 year discussion for another meeting date. Mr. Siddiqui commented that the OCUA flows are trending higher for the year 2019 and it appears that we may be billed an additional \$500,000.00. He explained that we have traditionally requested a lower estimate so that we can keep our money until we need to pay out. Mr. Siddiqui also suggested, that in the future, we estimate flows more realistically. He also spoke about how OCUA estimates the flow in November for the following year and adjusts it at the end of the year, depending on the actual flow. A roll call vote was then taken with Mrs. Clement, Mr. Valvano, Mr. Siddiqui, Mr. Montenegro and Mr. Memoli all casting affirmative votes.

9A-9 – A motion was made by Mr. Siddiqui and seconded by Mrs. Clement to authorize a shared services agreement between Toms River Municipal Utilities Authority and the Toms River Business Development Corporation (BID) and authorizing the Executive Director to execute and the Assistant Secretary to attest to the shared services agreement. A roll call vote was taken with Mr. Siddiqui, Mrs. Clement, Mr. Montenegro, Mr. Valvano and Mr. Memoli all casting affirmative votes.

Unfinished Business

Mr. DiBiase noted that the conversion from coaxial into fiber, mentioned in Bundra's report, is now finished.

The Chairman asked to go back to the 5 year plan to clarify some questions he had concerning pump stations, toughbooks and telephone system. Mrs. Clement also asked Mr. DiBiase to comment on the Comcast cameras situation that they talked about yesterday at their meeting. Mr. DiBiase is looking into the Comcast cameras to find different ways into reducing their expenditures. They will be discussed at the next meeting, along with the 5 year Capital Plan.

Committee Reports

Legal

1. Earle Asphalt: Counsel stated that Earle still has not answered our demands. They have drafted complaints for the two incidents and they will be filed this week.
2. Shared Services Agreement: The shared services agreement for the BID was approved tonight. As mentioned they need to complete their excise tax exemption.
3. Quicklock Clamps: Counsel had one comment on the Quicklock resolution. The bid specifications included proprietary language which was necessary due to the fact that the TRMUA bought tools for the installation of the Quicklock Clamps.
4. Tort Notices: Counsel stated they had two tort claims, one being received today. Mr. Rutkowski filed it over from Verizon, alleging that a sub-contractor, Lucas, did some damage to them but we don't have any record of Lucas doing any business with us, so we should not have any issue with them. The other was a standard tort claim with a slip and fall on non MUA facilities located in the vicinity of the alleged incident.
5. Counsel stated that they are working on the Brick MUA update for that shared service agreement. Mr. Leone is still working with Mr. Otten to narrow it down as to what changes are going to be needed before they present it to them.
6. Pitale/Lavallette-Litigation: Counsel noted that there has not been any further action on the Pitale case. They still are in discovery with the new defendants that were added on.
7. Grease Trap Ordinance: Mr. Gluck mentioned that Mr. DiBiase is still working on the grease trap ordinance. The Director confirmed that it's still in legal at the Township.
8. Intersection: Mr. Gluck mentioned that he did meet with the County Engineer regarding the intersection out front. County Engineer told Mr. Gluck that we should be assured that the County is working on it. Mr. Gluck also mentioned that there's a lot of planning, especially with the remediation going on, the close down of Herflicker, the realignment to one way and grant money for the transportation act that was approved. County Engineer also suggested to call Chief Little if we wanted an officer during rush hour. The County will not take jurisdiction over this.

Engineering

Mr. Siddiqui noted that there was nothing to report on the engineering end.

Regionalization

Mr. Siddiqui stated that there are six (6) townships that are serviced by the MUA. He reviewed all six and noted that three (3) townships are fine and nothing has to be changed. Mr. Siddiqui requested that the shared services agreements with Brick and Berkeley be updated and Island Heights, including the addresses of the four (4) lots that were missing, be looked at and reviewed, as the agreement will expire on July 31, 2019.

User Charge

Mrs. Clement had a meeting on August 22, 2019 with Chairman Memoli, Mr. DiBiase, Mrs. Rosetto, Mr. Lee, Ms. Montanelli & Mrs. Holman from Holman's office and Mr. Wittmann & Ms. Smith from the Township.

One of the things that came out of this meeting was a template that was presented to the Board and finance officers. Mrs. Clement wanted the finance department to consider utilizing this template at our monthly meetings, as she feels it would provide the Board, and the Director, a snapshot of what is collected in revenue versus what was expended by the Authority, all on one page. Mrs. Clement thought that Mrs. Rosetto would update the data as it comes available. A discussion took place and it was decided by the Finance Chairman that more time was needed to review the template and the time involved.

Land Use

Mr. DiBiase mentioned that he received a call from Alizar Zorojew "known as Nick" from the BID asking the Director if he would be interested in accepting some information about purchasing our land. The Director wants to be prepared so his intention is to gather the facts, do some research, get the parties that are interested and present it to the Land Use Committee and they can make recommendations from there.

Personnel

Chairman Memoli mentioned that currently there has been some on-going work internally with the shop functions lining up with the various descriptions. Mr. DiBiase stated that he and his staff have been looking at the job descriptions since day one and categorizing tasks. They are now at the point where they have the description of what they should be doing according to the title. The field operations secretary position is working on the check sheet. Eventually, they will be going around with the duty checks that identify what tasks are being done and line up with the job descriptions and also considering the efficiency factor.

Public Comments

Chairman Memoli opened the meeting to comments from the Public. Mrs. Rosetto was very appreciative and thanked Mr. Gluck and the Board for following up on the intersection issues out front. With no additional comments, Chairman Memoli closed the public portion of the meeting.

Correspondence

Two calls were received this month. One was a stoppage on Mt. Katadin Drive. The homeowner expressed her gratitude for a job well done by Ed Saverino. She also commended his timeliness and efficiency as well as his professionalism and skillfulness.

The other homeowner called the Director to express how impressed he was with the construction team working in front of his home on Mt. Carmel Lane. All the neighbors in the vicinity were made aware of the type of work being done and were kept abreast of the progress. They were impressed how respectful and knowledgeable the crew was.

Resolution to Enter Executive Session

A motion was made by Mr. Montenegro and seconded by Mrs. Clement to adopt the resolution to enter Executive Session at 5:30 p.m. to discuss personnel matters, litigation and potential litigation. The motion was carried by unanimous voice call.

Public Session reconvened at 5:34 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 5:34 p.m. The motion was carried by a unanimous voice vote.

TOMS RIVER MUNICIPAL UTILITIES AUTHORITY
Meeting Number Twelve Hundred Twenty-one

Executive Session

Executive Session convened at 5:30 p.m.

August 27, 2019

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, Executive 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 Secretary

Mrs. Rosetto, Mrs. Toye, Mr. Otten and Mr. Rutkowski were excused from the meeting.

After the discussion from the July 23, 2019 meeting, Mr. Gluck had the opportunity to discuss with the individual that performed QPA services for Beachwood outside of TRMUA's shared services agreements.

The individual will continue the grandfathered duties as QPA for Beachwood on his own personal time. He agrees that any other QPA contracts offered will be through the TRMUA as shared services as governed by existing policy.

The Personnel Committee may incorporate the new QPA services as a shared services for the entity requesting the service.

With no further business to discuss, a motion was made by Mrs. Clement and seconded by Mr. Valvano to close the Executive Session and re-open Public Session at 5:34. The motion was carried by a unanimous voice vote.