

**TOMS RIVER MUNICIPAL UTILITIES AUTHORITY**  
**Meeting Number Eleven Hundred Seventy-six**

Agenda

December 15, 2015

The regular meeting of the Toms River Municipal Utilities Authority was held on Tuesday, December 15, 2015 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  
Joseph Bilotta, Vice-Chairman  
Carmen Memoli, Commissioner  
Virginia Haines, Commissioner  
Deborah Clement, Commissioner  
Charles Valvano, Alt. 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 - Absent  
Kelly Bellu, Administrative Bookkeeping Specialist  
Georgia Benyola, Executive Secretary/Assistant Sec'y.

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Meeting #1176 was called to order at 4:30 p.m., December 15, 2015 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, Mrs. Clement, Miss Haines, Mr. Memoli, Mr. Bilotta and Mr. Bellu were present.

**Minutes of Meetings for Approval**

*A. Meeting #1175                      November 24, 2015                      New Submission*

A motion was made by Mr. Bilotta and seconded by Mrs. Clement to approve the minutes of Meeting #1175 November 15, 2015 as written. A roll call vote was taken with Mr. Bilotta, Mrs. Clement, Miss Haines, Mr. Memoli and Mr. Bellu all casting affirmative votes.

### **Disbursements**

A motion was made by Mrs. Clement and seconded by Mr. Memoli to approve payment of the disbursements as listed in the amount of \$1,434,812.54. A roll call vote was taken with Mrs. Clement, Mr. Memoli, with the exception of Dynamic Testing Services and Juan Bellu's RX reimbursement, Mr. Bilotta, Miss Haines, with the exception of Preferred Behavioral Health and Mr. Bellu, with the exception of the RX reimbursement for himself, all casting affirmative votes.

### **Additional Disbursements**

A motion was made by Mrs. Clement and seconded by Mr. Bilotta to approve payment of the additional disbursements as listed in the amount of \$22,259.56. A roll call vote was taken with Mrs. Clement, Mr. Bilotta, Mr. Memoli, Miss Haines and Mr. Bellu all casting affirmative votes.

### **Trust Fund for Contracts**

A motion was made by Mr. Bilotta and seconded by Mrs. Clement to approve the release from the Trust Fund for Contracts as listed in the amount of \$12,142.50. A roll call vote was taken with Mr. Bilotta, Mrs. Clement, Mr. Memoli, Miss Haines and Mr. Bellu all casting affirmative votes.

### **Ratification of Investment & Transfer Resolutions**

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

### **Financial Reports**

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

### **Finance & Investments:**

Since the available funds for investing report (6G) information will not be available until December 22, 2015, Chairman Bellu noted that it will be discussed at the December 31, 2015 meeting.

### **Operating Reports**

A motion was made by Mr. Bilotta and seconded by Mr. Memoli that the operating reports be accepted as presented. A roll call vote was taken with Mr. Bilotta, Mr. Memoli, Miss Haines, Mrs. Clement and Mr. Bellu all casting affirmative votes.

### **Development Applications/Major Sub Divisions**

There were no applications submitted for approval.

### **Authority Meeting**

The Chairman mentioned that the next Authority meeting was set for December 31, 2015 at 10:00 a.m. The Director commented that we usually schedule this meeting to make sure that we have additional time in case we need to adopt or pass the budget; however, this year the budget has already been approved

by the DCA and is on the agenda for adoption today. The Chairman also noted that since the reinvestment report (6G) is not currently available, he would like to have a motion to have the Authority reinvest the funds to the Ocean First account when it does become available. This way we do not need to have the December 31<sup>st</sup> meeting unless the Director feels it's necessary.

A motion was made by Mr. Memoli and seconded by Miss Haines to reinvest the funds that become available in the Ocean First Trust Custodial Account. A roll call vote was taken with Mr. Memoli, Miss Haines, Mrs. Clement, Mr. Bilotta and Mr. Bellu all casting affirmative votes.

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

9A-2A. A motion was made by Mr. Bilotta and seconded by Miss Haines approving the ratification of the IPC capital purchase for the final proposal submitted by Bahr and Sons Electrical Contractors authorizing a \$3,336.70 increase in the contract awarded on February 27, 2015. A roll call vote was taken with Mr. Bilotta, Miss Haines, Mrs. Clement, Mr. Memoli and Mr. Bellu all casting affirmative votes.

9A-3. A motion was made by Mr. Bilotta and seconded by Mr. Memoli authorizing Change Order No. 1 and that the contract issued to Altec Building Systems Corp. be increased by \$7,702.38 and the contract be commensurately increased from \$107,000.00 to \$114,702.38. A roll call vote was taken with Mr. Bilotta, Mr. Memoli, Miss Haines, Mrs. Clement and Mr. Bellu all casting affirmative votes.

9A-4. A motion was made by Mrs. Clement and seconded by Miss Haines to adopt the Authority Budget for Fiscal Year 2016 as approved by the State of New Jersey, Department of Community Affairs, Division of Local Government Services. A roll call vote was taken with Mrs. Clement, Miss Haines, Mr. Bilotta, Mr. Memoli and Mr. Bellu all casting affirmative votes.

#### **General Business**

Before going any further, Chairman Bellu asked the Director if he wanted to take this time to discuss the TO Chart that had previously been mentioned. Mr. Acropolis noted that there is a process for putting people on the TO Chart. There are two people that will be going into the inspections department. The Director has a letter from the Director of Operations recommending two particular people. Mr. Acropolis and Mr. Otten have also talked about this and came up with a scoring system, so they too know who those two people are going to be; however, this will not happen until after the first of the year. Mr. Bellu asked about the new hires to replace the two that are moving up. Mr. Acropolis reported that we have one gentleman who has already been interviewed. This is a potential employee that ran a landscaping company for over 16 years with 30 employees. He has all his licenses and CDL license. Mr. Acropolis suggested that if this person is to be hired, the decision should be approved at this meeting so that the preliminary data, physical exams, etc., could be completed making him ready to take over one of the vacant positions. A motion was made by Mr. Memoli and seconded by Mr. Bilotta to hire a replacement for one of the employees that are moving up. A roll call vote was taken with Mr. Memoli, Mr. Bilotta, Miss Haines, Mrs. Clement and Mr. Bellu all casting affirmative votes.

Mr. Bellu asked about filling the second position. Mr. Acropolis proceeded to say that since the pump station calls have lessened since the renovations were completed, two people from the pump station crew will be placed as floaters on a daily basis and fill in on different crews as needed, i.e., vacations, jobs, sick time. This should suffice for the time being.

Miss Haines asked Mr. Acropolis to discuss the problem in Silver Bay. The Director reported that a sign was placed, by an unknown person, on the fence by PS16 notifying the Township of Toms River that they are tired of smelling the odor of sewerage in the area and having their children breathing in the toxic air. They also are prepared to bring in the EPA and their attorneys. The Pump Station Foreman went there on Friday and the Director had also made several trips but neither one could smell anything. In addition to that, we had a complaint the week before from the Island Heights section so our crew went to investigate. Manhole covers were popped but there were no problems in that area. It was also noted that the weather may have been a factor. We are ten inches below the average rainfall for the year, we have had abnormally high temperatures for a while and fog for several mornings in a row, which means there's no wind circulating. That could be part of the problem. Just from being hot and stagnate for a long time could cause a swamp smell. The Director also mentioned that a woman called yesterday and said that PS16 was making some noise. Mr. Bilotta did not agree, as he lives in that area and has not heard any noises coming from the pump station. Mr. Acropolis had the pump station thoroughly checked and with everything being okay and no alarms going off, he and Mr. Otten surmised

that a truck could have gone down the street around the time she was awakened. Mr. Acropolis spoke with her today and also asked her if she smelled any odors. Her response was that she hadn't smelled anything for a very long time. Chairman Bellu suggested that we look into getting a good tracking system for such calls so that we can trace them electronically.

### **Unfinished Business**

None

### **Committee Reports**

#### Legal

1. Mr. Gluck reported that they have made progress since our last meeting.
2. The title search on the Conrail property has been initiated.
3. Mr. Gluck has been in contact with Mr. Rutkowski, Mr. Acropolis and Mr. Otten. A site meeting was held to potentially take over the Holiday on the Bay sewer system. Mr. Leone was also present.
4. Mr. Gluck proceeded to get the final judgment on the three contractors that broke through our lines. It is pretty much finalized.
5. Mr. Leone is working on a couple of other access agreements to try to change them. He is waiting on the appraisals to come back on the condemnation with those two parcels.
6. Mr. Gluck noted that we have not been served with any lawsuits since the last meeting. He did have a couple of workmen's comp issues but he doesn't know yet how far they will go.
7. Mr. Gluck commented that he also worked on his billings and submitted them to Mrs. Rosetto and hopefully will have them all in by the end of the year.
8. Mr. Gluck mentioned that Mr. Acropolis had also asked him to look into the potential warranty claims on one of the vehicles, which he believed was the Jet Vac.

#### Engineering

Mrs. Clement reported that her Committee will be meeting in January and will be working on the Berkeley Agreement. The Director and Mr. Rutkowski have been reviewing the figures and Mrs. Clement stated that her Committee will have an answer for the Board at the next meeting.

#### Finance/Investments

Mr. Valvano reported that the Fed is having a meeting tomorrow. It's generally understood that they are going to raise rates for the first time in ten years. Mr. Valvano stated that there will be horrible damage to the financial markets if they don't, because that will signal that the economy is a lot worse than what everyone thinks. Mr. Valvano also mentioned that we had discussed the Cadillac Tax. There was a great article in the Wall Street Journal, and even though there is a wide spread support to kill the Cadillac Tax, it brings in so much potential money that they are not going to do that but will probably keep delaying the process. The article explains how the Cadillac Tax may never see the light of day.

#### Personnel

Miss Haines reported that the Union negotiations final meeting was held this past Friday. Basically, they had to agree on the percentages and the insurance. Miss Haines stated that they will offer five different plans, which the employees will review and choose what is best for them. The percentage rate increase is going to be 2.9% for the first year, 2.5% for year two, 2.0% for year three and 2.0% for year four of the four year contract. Miss Haines informed the Board that the Director met with the Union employees that afternoon to explain how the insurance plans work and answer questions. Miss Haines also noted that any new employees hired on or after January 1, 2016, will only be eligible for the Teamsters Match Plan. If they decide they want a higher plan, the employee can buy up and pay the difference in cost. In addition, the \$1,000 reimbursement would be increased to \$1,500. The contract will also show an increase in the reimbursement of work boots up to \$125 per pair, and bereavement leave will include aunt, uncle and cousin of employee or spouse as immediate family members and also extend the in state bereavement to 4 days instead of 3. Miss Haines reported to the Board that the Memorandum of Agreement (MOA) had been prepared by Labor Counsel and signed by TRMUA. Yesterday, the Teamsters voted and approved the contract changes and signed the MOA. Labor Counsel was sent a copy of the fully executed MOA and will start preparing the new contract. A motion was made by Miss Haines and seconded by Mrs. Clement to approve the new contract effective

January 1, 2016 – December 31, 2019. A roll call vote was taken with Miss Haines, Mrs. Clement, Mr. Memoli, Mr. Bilotta and Mr. Bellu all casting affirmative votes. Mr. Bellu would like Connor/Strong to come in and meet with each employee to explain and help them choose the plan that best suites them. The Commissioners would like to have a session with Connor/Strong also.

A motion was also made by Miss Haines and seconded by Mr. Bilotta approving that the \$1,000 reimbursement be increased to \$1,500 for the non-aligned employees as well. A roll call vote was taken with Miss Haines, Mr. Bilotta, Mr. Memoli, Mrs. Clement and Mr. Bellu all casting affirmative votes.

### **Public Comment**

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

### **Correspondence**

None

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

No resolution was required at this meeting.

Before closing, Miss Haines wished the staff and everyone a Merry Christmas and a Happy New Year. All agreed.

With no further business before the Board, a motion was made by Mr. Bilotta and seconded by Mrs. Clement to adjourn the meeting at 5:22 p.m. The motion was carried by a unanimous voice vote.