

# TOMS RIVER MUNICIPAL UTILITIES AUTHORITY

## Meeting Number Twelve Hundred Twenty-five

Agenda

December 17, 2019

The regular meeting of the Toms River Municipal Utilities Authority was held on Tuesday, December 17, 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 - Absent

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 J. 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.

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Meeting #1225 was called to order at 4:30 p.m., December 17, 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 called the roll. Dr. Manforti, Mr. Bilotta, Mr. Montenegro, Mr. Valvano, Mrs. Clement and Mr. Memoli were present. Mr. Siddiqui was absent and Mr. Bilotta will vote in his place for this meeting.

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

*A. Meeting #1224 - November 26, 2019 - New Submission*

A motion was made by Mrs. Clement and seconded by Mr. Bilotta to approve the minutes of Meeting #1224, November 22, 2019 as written. A roll call vote was taken with Mrs. Clement, Mr. Bilotta, Mr. Valvano, Mr. Montenegro and Mr. Memoli all casting affirmative votes. Mr.

Gluck had asked that the executive session minutes be held for October and November due to ongoing litigations that were discussed in the executive session.

### **Disbursements**

A motion was made by Mr. Valvano and seconded by Mr. Bilotta to approve payment of the disbursements as listed in the amount of \$592,772.59. A roll call vote was taken with Mr. Valvano, Mr. Bilotta, Mrs. Clement, Mr. Montenegro and Mr. Memoli, with the exception of the RX reimbursement for Eric Memoli, 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 \$1,022.59. A roll call vote was taken with Mrs. Clement, Mr. Bilotta, Mr. Montenegro, Mr. Valvano and Mr. Memoli all casting affirmative votes.

### **Trust Funds for Contracts**

A motion was made by Mr. Valvano and seconded by Mr. Bilotta to approve the release from the Trust Fund for Contracts as listed in the amount of \$11,627.70. A roll call vote was taken with Mr. Valvano, Mr. Bilotta, Mr. Montenegro, Mrs. Clement 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. Montenegro and Mr. Memoli all casting affirmative votes.

### **Financial Reports**

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

### **Finance & Investments: 6G**

Mr. Valvano mentioned that he would like to talk to Mr. Siddiqui regarding what capitalized expenses can be bonded and which ones cannot. Since Mr. Siddiqui has had much experience in his previous position at the OCUA, Mr. Valvano is looking forward in hearing what he has to say.

Due to the early meeting this month, a motion was made by Mr. Valvano and seconded by Mr. Bilotta to reinvest the funds that will become available into the Ocean First Trust Custodial Account. A roll call vote was taken with Mr. Valvano, Mr. Bilotta, Mr. Montenegro, Mrs. Clement and Mr. Memoli all casting affirmative votes.

### **Operating Reports**

A motion was made by Mr. Bilotta and seconded by Mr. Valvano that the operating reports 7A-7G were accepted as presented. A roll call vote was taken with Mr. Bilotta, Mr. Valvano, Mrs. Clement, Mr. Montenegro and Mr. Memoli all casting affirmative votes.

### **Development Applications-Major Sub Divisions**

A motion was made by Mrs. Clement and seconded by Mr. Montenegro to approve the preliminary application for Sub-Division D-1060, Clearbrook Homes, West Briar Ave. A roll call vote was taken with Mrs. Clement, Mr. Montenegro, Mr. Valvano, Mr. Bilotta and Mr. Memoli all casting affirmative votes.

### **Authority Meeting**

The next Authority meeting was confirmed for Tuesday, January 28, 2020 at 4:30 p.m.

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

9A-2A – There were no IPC Purchases for Ratification

9A-3 – Resolution – Amend Rules/Regulations

A motion was made by Mrs. Clement and seconded by Mr. Bilotta to approve and amend language in the Rules and Regulations to clearly prohibit the disposal of fabric materials, cooking grease, etc., into the sanitary sewer collection system and consequences thereof. Following language effective as of December 17, 2019:

“Non-woven fabric materials/wipes or versions thereof, even if labeled as flushable, are not to be flushed down the sanitary sewer system. Other items such as cooking grease, oils, dental floss, paper towels, plastic items, etc., are also not to be introduced to drains/the sanitary sewer system. Property owners shall be subject to any time and material costs from TRMUA, which are necessary to relieve any flow restrictions caused by the aforementioned items.”

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

9A-4 Resolution - Adopt 2020 Budget

A motion was made by Mr. Bilotta and seconded by Mrs. Clement adopting the 2020 Budget approved by the DCA. A roll call vote was taken with Mr. Bilotta, Mrs. Clement, Mr. Montenegro, Mr. Valvano and Mr. Memoli all casting affirmative votes.

9A-5 Rank and File Contract

Chairman Memoli stated that discussion will be held in executive session.

### **Unfinished Business**

Mr. Gluck noted for the record that the November Resolution #9A-7 was amended as requested at the last meeting.

### **Committee Reports**

#### Legal

1. **Shared Services Agreements:** Mr. Gluck stated that they received some additional comments from Mr. Otten today on the Brick MUA agreement, so they are closer now in getting it done. They also took all of the changes and suggestions for the Island Heights agreement and sent them to Mr. Zabarsky, their attorney, and are waiting to hear back from him. They have a complete list of agreements that need to be renewed for the 2020 Re-Org meeting, including the Beachwood Sewerage Authority, Lacey Township MUA, Lakewood Township MUA, Borough of Ocean Gate, South Toms River Sewerage Authority and the Toms River Parking Authority. Counsel would like to send out letters to those agencies together with the proposed resolution and draft of the renewed agreement, with the permission of the Commissioners so that they can get ready for February. All

Commissioners agreed. For the record, Mr. Montenegro said he would have to abstain from anything relating to Brick MUA, as he would have a conflict. He had no conflict with any of the others mentioned.

2. Counsel stated that they had no new litigation this month. He will though have some litigation discussion in executive session.

4. CJR had offered us a counter offer which was \$1,000.00 less than we wanted to accept. Any other discussion would be held in executive session.

Engineering

None

Regionalization

None

Land Use

None

Personnel

Discussion in executive session.

**General Business**

Mr. DiBiase mentioned that notices were sent out and notifications on raising awareness on our previous amended rules and regulations resolution that was discussed earlier in the agenda. Mr. DiBiase would like to post this on the website so that everyone can see the advisories immediately and the Director would also like to have the Authority's approval.

A motion was made by Mrs. Clement and seconded by Mr. Valvano to amend the copy on the TRMUA website in regards to the cooking grease in drains, flushing of any type of wipe materials and discharge of sump pumps. A roll call vote was taken with Mrs. Clement, Mr. Valvano, Mr. Bilotta, Mr. Montenegro and Mr. Memoli all casting affirmative votes.

**Public Comments**

Chairman Memoli opened the meeting to comments from the Public. Mrs. Rosetto mentioned that the cut-through road is still open and all of us are happy but it would be nice to fill some of those very deep pot holes. Mrs. Rosetto had asked Mr. Rutkowski if he could find out. Mr. Rutkowski had heard that the will be doing some repair work but only temporary. With no additional comments, Chairman Memoli closed the public portion of the meeting.

**Correspondence**

The Director stated that the correspondence we received have been comments on the bills to our recent rate schedule. The entire staff had done a wonderful job and were very well prepared with the right answers.

**Resolution to Enter Executive Session**

A motion was made by Mrs. Clement and seconded by Mr. Valvano to adopt the resolution to enter Executive Session at 5:01 p.m. to discuss personnel matters, litigation and potential litigation. A motion was made by Mr. Montenegro and seconded by Mrs. Clement. Motion was carried by a unanimous voice vote.

**Public Session reconvened at 6:25 p.m.**

Based upon the discussions in executive session, Chairman Memoli asked for a motion to amend the existing contract with the Executive Director, Robert J. DiBiase. A motion was made by Mr. Bilotta and seconded by Mrs. Clement approving the request from Mr. DiBiase to amend his vacation time to four (4) paid weeks starting January 1, 2020. A roll call vote was taken with Mr. Bilotta, Mrs. Clement, Mr. Montenegro, Mr. Valvano and Mr. Memoli all casting affirmative votes.

Also included was another request for a motion to amend the existing contract with the Executive Director, Robert J. DiBiase. A motion was made by Mr. Bilotta and seconded by Mrs. Clement approving the buy-back for unused sick time as per State Law caps up to \$15,000.00. A roll call vote was taken with Mr. Bilotta, Mrs. Clement, Mr. Valvano, Mr. Montenegro and Mr. Memoli all casting affirmative votes.

Chairman Memoli re-opened the meeting to comments from the Public. With no additional comments, the Chairman moved to close the public comment.

With no further business to come before the Board, a motion was made by Mr. Valvano and seconded by Mr. Montenegro to adjourn the meeting at 6:30 p.m. The motion was carried by a unanimous voice vote.