

TOMS RIVER MUNICIPAL UTILITIES AUTHORITY
Meeting Number Twelve Hundred One

Agenda

January 23, 2018

The regular meeting of the Toms River Municipal Utilities Authority was held on Tuesday, January 23, 2018 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
Carmen J. Memoli, Vice Chairman
Joseph G. Bilotta, Commissioner
Deborah L. Clement, Commissioner
Charles S. Valvano, Commissioner
Tariq M. Siddiqui, Alt. Commissioner
Stephen Acropolis, 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

Meeting #1201 was called to order at 4:30 p.m., January 23, 2018 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, Mr. Bilotta, Mr. Memoli and Mr. Bellu were present.

Before going to the minutes, Mr. Bellu asked the Director if the Authority had an article published in the news. The Director said there will be two magazine articles published, one talked about our clamps, which apparently we use more than anyone else and the other is the HoloLens, which will be published in the ESRI Arc News giving us international attention and exposure to 1.4 million readers.

Minutes of Meetings for Approval

A. Meeting #1200

December 19, 2017

New Submission

A motion was made by Mrs. Clement and seconded by Mr. Bilotta to approve the minutes of Meeting #1200 December 19, 2017 as written. A roll call vote was taken with Mrs. Clement, Mr. Bilotta, Mr. Valvano, Mr. Memoli and Mr. Bellu all casting affirmative votes.

Disbursements

A motion was made by Mr. Valvano and seconded by Mrs. Clement to approve payment of the disbursements as listed in the amount of \$1,152,343.25. A roll call vote was taken with Mr. Valvano, Mrs. Clement, Mr. Memoli, with the exceptions of E. Memoli and Juan Bellu for RX reimbursements, Mr. Bilotta and Mr. Bellu, with the same exceptions of E. Memoli and himself, all casting affirmative votes.

Additional disbursements

A motion was made by Mr. Bilotta and seconded by Mr. Memoli to approve payment of the additional items as listed in the amount of \$448.35. A roll call vote was taken with Mr. Bilotta, Mr. Memoli, Mrs. Clement, Mr. Valvano and Mr. Bellu all casting affirmative votes.

Trust Fund for Contracts

A motion was made by Mrs. Clement and seconded by Mr. Bilotta to approve the release from the Trust Fund for Contracts as listed in the amount of \$12,031.35 for inspection fees. A roll call vote was taken with Mrs. Clement, Mr. Bilotta, Mr. Valvano, Mr. Memoli and Mr. Bellu all casting affirmative votes.

Ratification of Investment & Transfer Resolutions

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

Financial Reports

A motion was made by Mr. Bilotta and seconded by Mr. Valvano to enter the financial reports 6A-F into the record. Mr. Bellu asked the Board to look at the 2018 Budget on page 6C, Section 5 and noted that after transferring almost 9 Million dollars to the Township over the past 9 years our reserves are lower than in the past. This year's appropriation is close to 1 million dollars again so Mr. Bellu mentioned that no one from the Township has asked about the appropriation but he feels we should advise the Township soon so they will know how we stand with regards to transferring this year's appropriation. Mrs. Clement stated that before we transfer money we will need to get the cost for the capacity study first. She feels that the Board should look at everything that we will be spending money on before notifying the Township whether or not we are going to be granting their request of transferring another almost 1 million dollars of ratepayers money to the Township. Mr. Gluck noted that perhaps bringing in Mr.

Holman to discuss the matter further with the finance people was a good idea. A roll call vote was taken with Mr. Bilotta, Mr. Valvano, Mrs. Clement, Mr. Memoli and Mr. Bellu all casting affirmative votes.

Finance & Investments:

Mr. Valvano mentioned that the 10 year Treasury Bond is rising and is currently at 2.62%. Mr. Valvano noted that we are going to get a new Fed Chair, J. Powell, and the general consensus is that there will only be three rate increases this year. Mr. Valvano then made a motion, seconded by Mrs. Clement, to reinvest the available funds of \$41,737.39 into the Ocean First Trust Custodial Account. A roll call vote was taken with Mr. Valvano, Mrs. Clement, Mr. Memoli, Mr. Bilotta and Mr. Bellu all casting affirmative votes.

Operating Reports

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

Development Applications/Major Sub Divisions

There were no applications submitted for approval.

Authority Meeting

The Re-Organization Meeting was confirmed for Tuesday, February 27, 2018 at 4:30 p.m.

Adoption of Resolutions/Capital Purchases

A motion was made by Mr. Bilotta and seconded by Mrs. Clement approving the following resolutions, 9A-2B through 9A-11:

9A-2B - Authorization was given to purchase and deliver (1) one 2019 Peterbilt Model 348 Tandem Axle Cab & Chassis with a 66,000 lb. GVW available through the National Joint Powers Alliance (NJPA) bid number 081716-PMC in the amount of \$114,554.00 and a contract has been awarded by NJPA to Hunter Jersey Peterbilt for the purchase of Class 6,7, & 8 Chassis with Related Equipment, Accessories and Services. Executive Director was also authorized to execute and the Assistant Secretary to attest to the proposed form of agreement; and

9A-2C - Authorization was given to ratify the purchase of (2) two Rigid See Snake Cameras from Atlantic Plumbing, 702 Joline Ave., Long Branch, NJ 07740 at a cost not to exceed \$12,460.00; and

9A-2D - Authorization was given to ratify the purchase of (2) two Sewermatic mechanical snakes from Atlantic Plumbing, 702 Joline Ave., Long Branch, NJ 07740 at a cost not to exceed \$4,500.00; and

9A-2E - Authorization was given to ratify the purchase of (1) one Rigid Press Tool & Snap Cutter from Atlantic Plumbing, 702 Joline Ave., Long Branch, NJ 07740 at a cost not to exceed \$2,445.00; and

9A-2F - Authorization was given to purchase and deliver (1) one Vactor 2100 Plus 16" Vacuum, 12 yd. Debris Combo Sewer Cleaner available from the National Joint Powers Alliance (NJPA) bid number 022014-FSC in the amount of \$335,326.00 and a contract has been awarded by NJPA to Federal Signal Corp. and its approved dealer Gran Turk Equipment Co., Inc. for the purchase of Sewer Vacuum, Hydro-Excavation and/or Street Sweeper Equipment with related Accessories and Supplies. Executive Director was also authorized to execute and the Assistant Secretary to attest to the proposed form of agreement; and

9A-3 - Authorization was given to the Qualified Purchasing Agent to enter into contracts for the purchase of goods and/or services with certain vendors under County Contract Pursuant to 5:34-7.21; and

9A-4 - Authorization was given to the Qualified Purchasing Agent to enter into contract for purchases and services with certain vendors under State Contracts Pursuant to and in Accordance with N.J.S.A. 40A:11-12; and

9A-5 - Authorization was given to approve Change Order No.1 and that the contract issued to Eastern Data Comm. be increased by \$22,297.55 and the contract be commensurately increased from \$345,311.08 to \$367,608.63; and

9A-6 - Authorization was given to the Qualified Purchasing Agent to advertise for the receiving of proposals and to prepare formal proposal specifications for Janitorial Services; and

9A-7 - Authorization was given to the Regulatory Compliance Officer to advertise for the receiving of bids and to prepare bid specifications for Roadway Mats; and

9A-8 - Authorization was given to ratify non-aligned employees compensation for 2018; and

9A-9 - Resolution of Retirement for Juan Carlos Bellu; and

9A-10 - Authorization was given approving the Rules and Regulations of the Authority shall be amended and supplanted with the following language effective as of December 19, 2017:

“Any proposed or existing residential facility with greater than 2 Units, and any proposed commercial facility with a flow calculation greater than 3 Units (200 gpd/Unit) shall be subject to the installation of a 6” diameter lateral, or multiple 4” diameter laterals at proper slopes.”; and

9A-11 - Authorization was given to release the performance bond and acceptance of the maintenance bond for All Surface Asphalt Paving, Inc. for the 2016-2017 On-Call Roadway Pavement Restoration.

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

Unfinished Business

None

Committee Reports

Legal

1. Mr. Gluck stated that he prepared the resolutions that were just voted on and approved.
2. Mr. Gluck advised the Board that they have not gotten the final judgement back from the Judge yet for Earle Asphalt. He doesn't know if there were any delays, as it was sent in November. Nicole from his office keeps following up with them to find out where it could be.
3. Mr. Gluck mentioned that it was brought to his attention today that Mr. Otten and Mr. Leone were working together on the sewer easement on the Grasso property, which Mr. Gluck was unaware of and Mr. Leone was not aware of the conflict so Mr. Gluck and Mr. Leone will have to detach themselves from any project, so if there is any legal work to be done the Authority can deal with Mr. Holzapfel.
4. Mr. Gluck noted that Mr. Acropolis asked him to look into the new law to find out whether or not it would affect the TRMUA regarding the 2% cap. Mr. Gluck has not been able to do that yet. He is waiting for the Local Finance Notice to come out.

Finance

None

Engineering

Mrs. Clement noted that since Mr. Otten was on jury duty and Mr. Siddiqui had a death in the family no meeting was held. Mrs. Clement stated that Mr. Otten's report was very detailed and there was no need to discuss it any further at this time.

Land

None

Personnel

Mr. Memoli mentioned there was a personnel matter to discuss in Executive Session.

Correspondence

Mr. Acropolis mentioned that one of our employees was waiting to exit the TRMUA rear parking lot when he spotted a man in his early thirties waving at him in the freezing 10 degree weather. The employee rolled down his window and the man stated that he didn't know where he was and that he didn't feel well, he was freezing and couldn't warm up. The employee let the man sit in his truck for a few minutes to warm up and that's when the man said he was going to hurt himself. The employee had seen that look before and did not leave until the police and ambulance arrived. He took a chance that day but walked away feeling good.

General Business

Mr. Acropolis stated that as the Board knows by looking at the budgets on various occasions, our reserves are to the point where we are trying to get through the next year or two. We would like to try to get to that 10-year time period without raising rates. One of the things we have talked about is bonding future large capital purchases. We will need to look into the cost, refinance and how much we can bond. Mr. Acropolis is aware that the Township has talked about us possibly purchasing land on the northern part of town and co-opting our bonding with land purchases. Mrs. Clement suggested that we meet with Mr. Holman first, as recommended by Mr. Gluck. Mr. Bellu also suggested that Acacia Financial participate in the discussion. The Finance area, Mrs. Rosetto and Mr. Lee, have been asked to set up these meetings and sit down with them and go over everything.

Public Comment

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

Resolution to Enter Executive Session

A motion was made by Mr. Bilotta and seconded by Mr. Memoli to adopt the resolution to enter Executive Session at 4:55 p.m. to discuss personnel matters, litigation and potential litigation. The motion was carried by a unanimous voice vote.

Before going into Executive Session, Mr. Bellu took a moment to thank the staff for working with him all these years. Mr. Acropolis also asked for a moment before the staff left to present Mr. Bellu with a plaque and read the resolution aloud. Mr. Acropolis thanked Mr. Bellu for all his years of service.

Public Session reconvened at 5:15 p.m.

With no further business before the Board, a motion was made by Mr. Bellu and seconded by Mr. Bilotta to adjourn the meeting at 5:15 p.m. The motion was carried by a unanimous voice vote.

TOMS RIVER MUNICIPAL UTILITIES AUTHORITY
Meeting Number Twelve Hundred One

Executive Session

Executive Session convened at 4:55 p.m.

January 23, 2018

The following were present:

Juan Carlos Bellu, Chairman

Carmen J. Memoli, Vice Chairman

Joseph G. Bilotta, Commissioner

Deborah L. Clement, Commissioner

Charles S. Valvano, Commissioner

Tariq M. Siddiqui, Alt. Commissioner

Stephen C. Acropolis, 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, Mr. Otten, Mr. Rutkowski and Mrs. Toye were excused from the meeting.

Mr. Acropolis reported to the Board that there was only one thing that was discussed with the Personnel Committee. We have an employee who basically lost her temper and acted out for about 5 minutes. She was yelling and screaming, just couldn't calm down and wouldn't calm down. The Director thought she was joking at first but then realized it had something to do with the snow storm. Once the employee calmed down, she sent emails to her co-workers apologizing for her behavior. She also admitted she has an anger management issue and asked for information on contacting the Employee Assistance Program for help. Mr. Acropolis said that she has had verbal counseling and written counseling in the past, and he now recommends a one day suspension to be given. The Board members discussed giving a three day suspension instead, but finally agreed on issuing a one day suspension. The Director asked Counsel if a vote was required for the suspension. Mr. Gluck said no vote was necessary.

The Director also commented about rumors regarding the MUA being dissolved, due to the recent election, OPRA requests coming in, etc. An employee called an elected official and expressed her concern about possibly losing her job if the MUA gets dissolved. Another employee made a comment that he updated his LinkedIn page because he might need to find another job. The Director stated he has repeatedly told employees not to be worried, but noted that he is concerned that he is going to lose good employees.

With no further business to discuss, Chairman Bellu called for a vote to close Executive Session and re-open Public Session at 5:15 p.m. The motion was carried by a unanimous voice vote.