

TOMS RIVER MUNICIPAL UTILITIES AUTHORITY

Meeting Number Twelve Hundred Fourteen

Agenda

January 23, 2019

The regular meeting of the Toms River Municipal Utilities Authority was held on Tuesday, January 23, 2019 at 5:30 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

Deborah L. Clement, Vice-Chairperson

Joseph G. Bilotta, Commissioner

Charles S. Valvano, Commissioner

Tariq M. Siddiqui, Commissioner

Ben A. Montenegro – Alt. Commissioner

Dr. Alfonso J. Manforti – Alt. Commissioner

Robert J. DiBiase, Ex. Director/Sec’y.-Treas.

Daniel Leone, Esquire, Counsel

Rosemary Rosetto, Chief Financial Officer

Nicholas Otten, Authority Engineer - Absent

Bernard Rutkowski, Regulatory Compliance/Safety Officer

Cindy Toye, Administrative Bookkeeping Specialist - Absent

Georgia Benyola, Executive Secretary/Assistant Sec’y.

Meeting #1214 was called to order at 5:30 p.m., January 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. Mr. Montenegro, Mr. Siddiqui, Mr. Valvano, Mr. Bilotta, Mrs. Clement and Mr. Memoli were present. Dr. Manforti came in at 5:45 p.m.

Minutes of Meetings for Approval

A. Meeting #1213 - December 18, 2018 - New Submission

A motion was made by Mrs. Clement and seconded by Mr. Bilotta to approve the minutes of Meeting #1213, December 18, 2018 as written. A roll call vote was taken with Mrs. Clement, Mr. Bilotta, Mr. Valvano and Mr. Memoli all casting affirmative votes. Mr. Siddiqui abstained, as he was not in attendance.

Disbursements

A motion was made by Mr. Bilotta and seconded by Mr. Siddiqui to approve payment of the disbursements as listed in the amount of \$801,560.45. A roll call vote was taken with Mr. Bilotta, Mr. Siddiqui, Mrs. Clement, Mr. Valvano and Mr. Memoli, with the exception of his RX reimbursement, 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 \$418.62. A roll call vote was taken with Mr. Bilotta, Mrs. Clement, Mr. Valvano, Mr. Siddiqui and Mr. Memoli all casting affirmative votes.

Trust Fund Releases

A motion was made by Mr. Siddiqui and seconded by Mrs. Clement to approve the releases from the Trust Fund for Inspection Fees totaling \$5,622.19 and for Performance Bond totaling \$6,462.04. A roll call vote was taken with Mr. Siddiqui, Mrs. Clement, Mr. Valvano, Mr. Bilotta and Mr. Memoli 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. Siddiqui, Mr. Valvano and Mr. Memoli all casting affirmative votes.

Financial Reports

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

Finance & Investments: 6G

Mr. Valvano made a motion, seconded by Mr. Bilotta, to reinvest the available funds of \$25,122.94 into the Ocean First Trust Custodial Account. A roll call vote was taken with Mr. Valvano, Mr. Bilotta, Mr. Siddiqui, Mrs. Clement 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

A motion was made by Mrs. Clement and seconded by Mr. Bilotta to approve the final application for Sub Division #D-1055. A roll call vote was taken with Mrs. Clement, Mr. Bilotta, Mr. Valvano, Mr. Siddiqui and Mr. Memoli all casting affirmative votes.

Another motion was made by Mr. Valvano and seconded by Mr. Siddiqui to approve the preliminary application for Sub Division #D-254L. A roll call vote was taken with Mr. Valvano, Mr. Siddiqui, Mrs. Clement, Mr. Bilotta and Mr. Memoli all casting affirmative votes.

Authority Meeting

The Re-Org meeting was confirmed for Tuesday, February 26, 2019 at 4:30 p.m.

Adoption of Resolutions/Capital Purchases

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

A motion was made by Mr. Bilotta and seconded by Mr. Valvano approving the following resolutions, 9A-2B & 9A-2C:

9A-2B - Authorization was given to purchase (1) one Snap-on Vehicle Diagnostic unit with software from Snap-on Industrial, PO Box 9004, Crystal Lake, IL, 60014-9004 at a cost not to exceed \$4,509.35; and

9A-2C - Authorization was given to publicly advertise and bid the acquisition and installation of (1) one new vehicle maintenance lift with travel jacks or procure through a cooperative purchasing program if available at a cost not to exceed \$35,000.00.

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

A motion was made by Mr. Bilotta and seconded by Mr. Siddiqui approving the following resolutions, 9A-3 through 9A-6:

9A-3 - Authorization was given that a subsidiary contract for the Supply and Delivery of Natural Gas is hereby assigned to UGI Energy Services, LLC, One Meridian Blvd, Wyomissing, PA 19610 in compliance with all terms and conditions of the original contract awarded on November 27, 2018; and

9A-4 - Authorization was given to the Executive Director to enter into agreement to participate in the OMNIA Partners Purchasing System and the Authority shall be responsible to ensure that the goods and or services procured through the system comply with all applicable laws of the State of New Jersey and all other provisions of the revised statutes of the State of New Jersey; and

9A-5 - 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-6 - 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.

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

Chairman Memoli stated to let the minutes show that Dr. Manforti just entered the meeting at 5:45.

9A-7 Resolution – Advertise Surplus Auction Sale

The Director noted that there was an additional item to be added for the auction. Mr. Rutkowski proceeded to say that item #5 on the Item Description list will also read (8) Metal Detectors for the auction sale. A motion was made by Mr. Siddiqui and seconded by Mrs. Clement to approve the resolution advertising the Surplus Auction Sale with the amended Item Description list. A roll call vote was taken with Mr. Siddiqui, Mrs. Clement, Mr. Valvano, Mr. Bilotta and Mr. Memoli all casting affirmative votes.

9A-8 Resolution – Adopt Amended Rules & Regulations

A motion was made by Mr. Bilotta and seconded by Mr. Siddiqui authorizing that the Rules and Regulations of the Authority shall be amended and supplanted with the following language effective as of January 23, 2019:

“Each individual property/lot shall be serviced wholly by its own sanitary sewer laterals(s), as situated between the building structure and its own separate individual downstream curb cleanout.”

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

Unfinished Business

Mr. DiBiase mentioned that Mrs. Rosetto and Mr. Rutkowski were complying with the directions set by the Board to negotiate an agreement with Mrs. Wainwright. Mrs. Rosetto stated that Mrs. Wainwright came in last Friday and she and Mrs. Wainwright were able to finalize an agreement to pay \$20.00 per month plus keeping current charges paid when due. If the ratepayer adheres to this agreement, no interest will be assessed on the arrears. If payments are not paid in a timely manner, the agreement will become null and void and interest will accrue at 18% per annum per State Statute. Payments towards the arrears will commence on February 1, 2019 and current 2019 charges are due on the first of January, April, July and October.

Committee Reports

Legal

1. TRTwp./TRMUA Shared Services – First of all, Counsel mentioned that he has been working on the TR Township/TR MUA Shared Services agreement. He mailed everyone on the Board the addendum to seek comments from the Commissioners. Counsel asked the Board if they wanted to discuss it now in regular session or wait until the executive session. The Board agreed to discuss this in executive session.

2. Litigation Pitale/Lavallette – Counsel noted that they are still defending that claim but not through the MUA but through the Utilities Authority JIF.

3. Earle Asphalt Claims – Counsel reported that they got a call back from Earle on the 571 incident but only wanted some more information. No payment offers have been presented.

Engineering

Mr. Siddiqui noted that the Engineering Committee met on January 15, 2019, with Mrs. Clement, Ex. Director DiBiase, Mr. Otten and himself being present.

Mr. Siddiqui mentioned that there were two significant items at the meeting. One was the resolution that Mr. Siddiqui and Mr. Otten revised and included it in the Hand-out for the Board to review, amending the TRMUA Rules and Regulations Manual and the other was the NJIB Financing. Mr. Siddiqui reported that he did some research on NJIB but he will hold off since the Bond Counsel will be talking about it later. Mr. Siddiqui, however, did say that he was in favor of the short term financing and recommends it so we can move forward.

Land Use

Mr. Bilotta mentioned that there was nothing new going on with the land use.

Personnel

Mr. Bilotta requested to go to executive session regarding new employees' probation process. The Chairman questioned the revising of the Employee Handbook. The Director mentioned that last month we discussed the amendatory insertion of three new clauses in order to keep our premiums down. Mr. Rutkowski continued to say that he went through the insurance

recommendations and made some comments. He also mentioned that he would like to get together with the Committee and the Director to review and discuss the social media internet used policies. Mr. Rutkowski doesn't think we should adopt the insurance language verbatim since they're only there for guidelines; however, there are some things that do not apply to us but it definitely needs to be discussed before it can be adopted.

Mrs. Clement asked the Director if we had any situations with the indigents in the back. She mention that in the past, we had concerns with them, as they were lighting fires to stay warm. The Director noted that when Mr. Gluck was driving in the back to take a look at who parks there, he did notice one individual but that individual hasn't been seen since then.

Mr. Montenegro excused himself from the meeting at 6:40 p.m.

Public Comments

Chairman Memoli opened the meeting to comments from the Public. Mrs. Rosetto wanted to report that we are still seeing accidents happening at the intersection in front of our building. Mr. Leone mentioned that he had advised the Board and Mrs. Rosetto at a previous session and reiterated that he had spoken to the County Engineer and they advised him that they were developing plans for that intersection, as they are County roads; however, a lot is involved, so it will not be a quick fix. It will probably take one to two years, if not more. Mrs. Rosetto stated she wanted it for the record. With seeing no other public comments, Chairman Memoli closed the public portion of the meeting.

Correspondence

None

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 6:00 p.m. to discuss personnel matters, litigation and contractual matters. The motion was carried by unanimous voice vote.

Public Session Reconvened at 7:11 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 7:12 p.m. The motion was carried by a unanimous voice vote.