

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

Agenda

March 22, 2016

The regular meeting of the Toms River Municipal Utilities Authority was held on Tuesday, March 22, 2016 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 Memoli, Vice Chairman  
Joseph Bilotta, Commissioner  
Deborah Clement, Commissioner  
Charles Valvano, Commissioner- Absent  
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  
Kelly Bellu, Administrative Bookkeeping Specialist  
Virginia Haines, Ocean County Freeholder  
Attorney, Kara Homes

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Meeting #1179 was called to order at 4:30 p.m., March 22, 2016 by Chairman Bellu.

Mrs. Kelly Bellu, Administrative Bookkeeping Specialist, 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.

Mrs. Bellu called the roll. Mr. Bellu, Mr. Memoli, Mrs. Bilotta, Mrs. Clement, Mr. Siddiqui, were present. Mr. Valvano was absent.

**Minutes of Meetings for Approval**

A. Meeting #1178	February 23, 2016	New Submission
B. Executive Session #1178	February 23, 2016	None
C. Meeting #1177	January 26, 2016	Remains Tabled

A motion was made by Mrs. Clement and seconded by Mr. Memoli to approve the minutes of Meeting #1178 February 23, 2016 as written. A roll call vote was taken with Mrs. Clement, Mr. Memoli, Mr. Bilotta, Mr. Siddiqui and Mr. Bellu all casting affirmative votes.

Chairman Bellu announced that former-Commissioner Virginia Haines was asked to be present at the meeting to receive a Resolution. Mr. Bellu read the resolution and thanked Ms. Haines for her service to the Toms River MUA. All Commissioners thanked Ms. Haines and wished her luck in her future. Ms. Haines thanked the Board.

#### **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 \$532,562.87. A roll call vote was taken with Mr. Bilotta, Mr. Siddiqui, Mr. Memoli, with the exception of Dynamic Testing Services, Mrs. Clement, and Mr. Bellu, all casting affirmative votes.

#### **Additional Disbursements**

A motion was made by Mr. Memoli and seconded by Mr. Bilotta to approve payment of the additional disbursements as listed in the amount of \$194.77. A roll call vote was taken with Mr. Memoli, Mr. Bilotta, Mrs. Clement, Mr. Siddiqui 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. Siddiqui and Mr. Bellu all casting affirmative votes.

#### **Financial Reports**

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

#### **Finance & Investments:**

Mr. Bilotta reported that federal rates are up since last month and that Mr. Valvano will be checking for quotes for CMO's upon his return as there is \$500,000 available that could be invested in short term maturities. The Federal Reserve did not increase rates last week and there will be a possibility of the previously discussed rate increase of four times per year dropping down to two rate increases in 2016 with the first occurring in June 2016. A motion was made by Mr. Bilotta and seconded by Ms. Clement to reinvest the \$52,450.36 in the Ocean First Trust Custodial Account. A roll call vote was taken with Mr. Bilotta, Mrs. Clement, Mr. Memoli, Mr. Siddiqui and Mr. Bellu all casting affirmative votes.

### **Operating Reports**

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

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

Mr. Bellu reported that two applications have been received; D-1051 Homewood Suites and D-1052 The Woods at Toms River and asked for motions to be made for approval. A motion was made by Mr. Bilotta and seconded by Mr. Siddiqui to approve D-1051. A roll call vote was taken with Mr. Bilotta, Mr. Siddiqui, Mr. Memoli, Mrs. Clement and Mr. Bellu all casting affirmative votes. Another motion was made by Mr. Bilotta and seconded by Mr. Memoli to approve D-1052. A roll call vote was taken with Mr. Bilotta, Mr. Memoli, Mrs. Clement, Mr. Siddiqui and Mr. Bellu all casting affirmative votes.

### **Authority Meeting**

The next Authority meeting was confirmed for Tuesday, April 26, 2016 at 4:30 p.m.

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

A motion was made by Mr. Bilotta and seconded by Mrs. Clement approving the following resolutions, 9A-2A through 11, and 9A-13:

- 2A. Ratify IPC purchases
- 2B. Resolution- ratify capital purchase of Office Furniture, Trendway Corporation \$30664.24
3. Resolution- L&L Paving, change order- increase \$2,500.00
4. Resolution- Altec Building Systems, change order- increase \$5,505.69
5. Resolution- Bid Award, All Surface Asphalt Paving, \$291,097.00
6. Resolution- Emergency Contract, Integrated Construction & Utilities, \$85,000.00
7. Resolution- Retirement, Marie Gallo
8. Resolution- Amend, purchase two (2) Airtug Electric Trailer Tugs, \$9,172.00
9. Resolution- Purchase one (1) Model HTD18A-25 Air Brake Trailer, \$21,112.30
10. Resolution- Purchase one (1) 2015 Ford F450 Cab and Chasses Crew Cab, \$70,626.00
11. Resolution- Retirement, Virginia Haines
13. Resolution- Purchase two (2) trailers, \$13520.40

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

### **Approval - In-Between Meeting Disbursements, Agenda Item 9A-12**

A motion was made by Mr. Bilotta and seconded by Mrs. Clement to approve adding customer refunds as part of the in-between meeting disbursement policy. A roll call vote was taken with Mr. Bilotta, Mrs. Clement, Mr. Siddiqui, Mr. Memoli, Mr. Bellu all casting affirmative votes.

### **Approval for In-Between Meeting Check, Agenda Item 9A-14**

A motion was made by Mr. Bilotta and seconded by Mrs. Clement to approve a check for \$2415.00 payable to the Toms River Police Department for traffic control work associated with the Route 37 McDonalds pipe repair. A roll call vote was taken with Mr. Bilotta, Mrs. Clement, Mr. Siddiqui, Mr. Memoli and Mr. Bellu all casting affirmative votes.

### **General Business**

Mr. Bellu commented that Marie Gallo will be retiring at the end of the month. Mr. Acropolis stated that we will be holding a small event for her to celebrate and that the office staff has a card for the Commissioners to sign.

### **Unfinished Business**

Mr. Acropolis stated there has been an update on Kara Homes properties. Mr. Gluck reported that a representative from Giordano, Halloran and Ciesla was in attendance at the meeting. We are to be placing funds in an escrow account for the two pump stations that were not turned over to the TRMUA. The lawyers have approved the language in the contract with Gluck's firm acting as the Escrow holder. The funds held will be for the exchange of two deeds and the bill of sale to the TRMUA. An additional amount will be deducted from the total escrow amount for a repair that was completed earlier in the week. Kara Homes has contracts in place and are working with the appropriate entities to facilitate the title transfer. Mr. Gluck advised the Commissioners that since the language in the agreement was revised and approved by Counsel for Kara Homes and the Toms River Municipal Utilities Authority, a motion can be made to approve the Resolution and Agreement on the purchase of the two pump stations from Kara Homes so this matter can be completed. A motion was made by Mr. Memoli and seconded by Mr. Bilotta. A roll call vote was taken with Mr. Memoli, Mr. Bilotta, Mrs. Clement, Mr. Siddiqui and Mr. Bellu all casting affirmative votes.

### **Committee Reports**

#### **Legal**

1. Mr. Gluck reported that we are in active litigation with Erez Healthcare. We received revised figures but they have not provided the copies of the cancelled checks they claimed to have sent. There is a settlement conference scheduled for Monday, March 28<sup>th</sup> but it may be requested to have it adjourned to a later date so that a pre-meeting can be held.
2. The condemnation of the easement is ready to be negotiated upon with the homeowners. The two appraisals were completed and Mr. Gluck recommends that a motion be made to enter into Settlement negotiations with the homeowners. Mr. Bellu asked for a motion to be made to enter into settlement negotiations with the Georges'. A motion was made by Mrs. Clement and seconded by Mr. Bilotta. A roll call was taken with Mrs. Clement, Mr. Bilotta, Mr. Memoli, Mr. Siddiqui and Mr. Bellu all casting affirmative votes.
3. Mr. Gluck stated the easement modifications that Dan Leone and Mr. Rutkowski have been working on is being revised for the easement modification language and needs to have a survey map drawn of the area.
4. Mr. Gluck commented on 3 Bayshore Drive for the request to modify the utility easement to include united water. The parties have all agreed to the language. The final paperwork will be sent to the lawyers and Commissioners for approval. The property owner that will be affected by this easement has requested that any disturbances made will be restored to its original setting.
5. Jersey Pride Builders agreed to pay \$1000.00 per month until reaching the total bill for the damage sewer pipe, made one payment, received their permit and have failed to make additional payments. Gluck's office has started with collection on them and there is a judgment against them. The project cannot have a lien placed against them but their equipment can be tagged for sheriffs' sale.

6. 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.
7. 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 did not meet this month due to the overnight repair project. The Berkeley agreement, as approved at the February meeting, will be renewed for one year while the new data is monitored. Mr. Gluck will send the necessary paperwork to the Berkeley Sewerage Authority.

Mr. Bellu commented that he and the Executive Director spoke to Jackson Township about their rules and regulations including a fining policy that allows Jackson to fine commercial properties that do not have or use grease traps or cannot produce significant records of grease trap usage. Mr. Bellu requested that a copy be sent to the TRMUA for possibly implementation.

#### Land Use

Mr. Bilotta reported the MUA is looking into temporary usage of the back property owned by Toms River. Additionally, the MUA is seeking a co-op with the township at the DPW yard for material storage. Also reported, the Green Team from the township is looking to the use some of the property at pump station 16 to create a recreational area, if the board agrees.

#### Personnel

A motion was made by Mr. Memoli and seconded by Mrs. Clement to approve the stipend dates and the additional stipend amount for the Administrative Bookkeeping Specialist. A roll call vote was taken with Mr. Memoli, Mrs. Clement, Mr. Siddiqui and Mr. Bellu all casting affirmative votes, with the exception of Mr. Bellu abstaining from voting on the Administrative Bookkeeping Specialist. Mr. Bilotta abstained.

Mr. Memoli stated a Last Chance Agreement has been issued to an employee in relation to recent incidents. Any violation of the agreement will result in termination.

#### **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.

With no further business before the Board, a motion was made by Mr. Bilotta and seconded by Mr. Memoli to adjourn the meeting at 5:25 p.m. The motion was carried by a unanimous voice vote.