

TOMS RIVER MUNICIPAL UTILITIES AUTHORITY
Meeting Number Eleven Hundred Ninety-three

Agenda

May 23, 2017

The regular meeting of the Toms River Municipal Utilities Authority was held on Tuesday, May 23, 2017 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 - Absent
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, Controller
Nicholas Otten, Authority Engineer
Bernard Rutkowski, Regulatory Compliance/Safety Officer
Cindy Toye, Administrative Bookkeeping Specialist
Georgia Benyola, Executive Secretary/Assistant Secretary

Meeting #1193 was called to order at 4:30 p.m., May 23, 2017 by Vice-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. Mr. Siddiqui, Mr. Valvano, Mrs. Clement, Mr. Bilotta and Mr. Memoli were present. Mr. Bellu was out of State and unable to attend.

2016 Audit – Resolution/Group Affidavit

A motion was made by Mrs. Clement and seconded by Mr. Bilotta to accept the 2016 Audit. A roll call vote was taken with Mrs. Clement, Mr. Bilotta, Mr. Valvano, Mr. Siddiqui and Mr. Memoli all casting affirmative votes. The Board Commissioners will certify by Resolution and upon their oath sign the Group Affidavit stating that each member has personally reviewed the annual audit report which will be send to the Local Finance Board.

Minutes of Meetings for Approval

A. Meeting #1192

April 25, 2017

New Submission

A motion was made by Mrs. Clement and seconded by Mr. Valvano to approve the minutes of Meeting #1192 April 25, 2017 as written. A roll call vote was taken with Mrs. Clement, Mr. Valvano, Mr. Bilotta and Mr. Memoli all casting affirmative votes. Mr. Siddiqui abstained due to his absence.

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 \$858,125.15. A roll call vote was taken with Mr. Valvano, Mr. Bilotta, Mr. Siddiqui, Mrs. Clement and Mr. Memoli all casting affirmative votes.

Additional disbursements

A motion was made by Mr. Valvano and seconded by Mr. Bilotta to approve the additional disbursements as listed in the amount of \$1,000.00. A roll call vote was taken with Mr. Valvano, Mr. Bilotta, Mrs. Clement, Mr. Siddiqui and Mr. Memoli all casting affirmative votes.

Trust Fund for Contracts

A motion was made by Mrs. Clement and seconded by Mr. Siddiqui to approve the release from the Trust Fund for Contracts as listed in the amount of \$1,283.80. A roll call vote was taken with Mrs. Clement, Mr. Siddiqui, 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 Mrs. Clement and seconded by Mr. Valvano to enter the financial reports 6A-F into the record. A roll call vote was taken with Mrs. Clement, Mr. Valvano, Mr. Siddiqui, Mr. Bilotta and Mr. Memoli all casting affirmative votes.

Finance & Investments:

Mr. Valvano noted that the Finance Committee had their meeting and discussed the \$500,000 CD at Lakeland Bank that will be coming due June 22nd. Mr. Valvano reported to the Board that about a month or so ago, the rate on a one year CD was 0.9%. Interest rates went back down a little bit due to some interesting happenings in the US government. Last week they raised it to 1.3%. Currently, a 13 month CD is at 1.26%. Mr. Valvano stated that he will be speaking with Lakeland Bank closer to the CD due date, as it appears that we are going to roll over that amount. Mr. Valvano also noted that it's extremely difficult getting bank bids as they are ridiculously low or they just don't want to offer any bids or rates concerning GUDPA, which we need as a government entity. As the time gets closer Mr. Bilotta, Mr. Valvano and the Finance Committee will meet again for further discussion.

Mr. Valvano then made a motion, which was seconded by Mrs. Clement, to reinvest the available funds of \$53,834.45 into the Ocean First Trust Custodial Account. A roll call vote was taken with Mr. Valvano, Mrs. Clement, Mr. Siddiqui, Mr. Bilotta and Mr. Memoli 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, Mrs. Clement, 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. Siddiqui to approve the tentative/final application for Sub-Division #D-889A. Mr. Memoli asked if the Board had any questions. Mr. Gluck stated that if there is a discussion, he will recuse himself as the owner is his client. Mr. Valvano only asked for a more detailed explanation of where the Sub-Division was located. A roll call vote was taken with Mrs. Clement, Mr. Siddiqui, Mr. Valvano, Mr. Bilotta and Mr. Memoli all casting affirmative votes

Authority Meeting

The next Authority meeting was confirmed for Tuesday, June 27, 2017 at 4:30 p.m.

Adoption of Resolutions/Capital Purchases

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

9A-2A – Authorization was given to ratify IPC Purchases; and

9A-2B - Authorization was given to ratify the purchase of (1) one dual roll up welding shade and (2) two base stands at a total cost not to exceed \$2,667.00 from Akon Skirting and Bellows, 222 South 3rd Street, Fernandina Beach, FL, 32034.

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

9A-3 Resolution-Award Emergency Contract

A motion was made by Mr. Bilotta and seconded by Mrs. Clement to award an Emergency Contract to Montana Construction for Dewatering and Pipe Repairs as a result of a pipe break at 212 8th Avenue, Ortlely Beach, NJ for an amount of \$31,642.78. A roll call vote was taken with Mr. Bilotta, Mrs. Clement, Mr. Siddiqui, Mr. Valvano and Mr. Memoli all casting affirmative votes.

9A-4 Resolution-Member Participation in a Co-Operative Pricing System

A motion was made by Mr. Bilotta and seconded by Mr. Valvano authorizing Member Participation in the Bergen County Co-Operative Pricing System. A roll call vote was taken with Mr. Bilotta, Mr. Valvano, Mrs. Clement, Mr. Siddiqui and Mr. Memoli all casting affirmative votes.

9A-5 Resolution-Reject Sewer & Manhole Rehab Contract No. SR-01-16B

A motion was made by Mr. Bilotta and seconded by Mr. Valvano to reject all bids received on May 2, 2017 for Sewer and Manhole Rehabilitation Project Contract No. SR-01-16B and authorizing the Engineering Consultant to Re-Bid the Project. A roll call vote was taken with Mr. Bilotta, Mr. Valvano, Mrs. Clement, Mr. Siddiqui and Mr. Memoli all casting affirmative votes.

Unfinished Business

None

Committee Reports

Legal

Doxo - Counsel reported that Mr. Leone is still researching the Doxo issue to see what we can do about getting them to take down the link that makes payment to us with them collecting the fee. Mr. Gluck stated they haven't quite figured out how yet, but are still working on that.

Earle Construction - The Earle property damage issue with the manhole, tee shirt and traffic cone will be reviewed by Counsel and filed this week.

Toms River Bd of Ed Interlocal Agreement – Counsel received a copy of the resolution the Toms River Board of Ed passed which unilaterally changed the Shared Services Agreement to include sewer service issues and repairs. According to Counsel, we had never adopted anything to agree to that amendment. It came in when Mr. Horn was the Executive Director but Counsel has pointed this out to the Council for the Board of Ed, Steve Leone. Counsel has sent him the Boiler Plate Shared Services Agreement and Steve Leone is in the process of reviewing it and agrees that we should have a separate and distinct Shared Services Agreement outlining those services and leave the fuel agreement as it stands, being that it was only meant for that reason. Counsel doesn't have a final agreement in place as yet but they are working on it.

Ocean Beach & Bay Club – Counsel reported that he has not heard anything at all and he's not sure if there is anything further that we need to know. Mr. Acropolis reported that Ocean Beach/Bay Club have had their meeting and we have given Suburban Engineering the contract. There has also been some talk between staff and American Water. We are not doing any work until September however, the Director wants to make sure that we continue to move on it so that it doesn't get pushed off until the winter. It has to be done regardless, whether Ocean Beach/Bay Club come aboard or not. The Director stated that it's difficult to start a project without an agreement and suggested we give the contact information to the attorneys to start getting an agreement in place. We are ready to go. Our consultant engineer will be going out soon to do some surveys, sidewalk evaluation, etc., but we will not start any major work until the agreement is in place. Counsel commented that it was his concern also.

Mr. Gluck stated that he noticed in a couple of reports this month, it talks about PS&S doing some Land Use Permitting for easements and such and wanted to know whether we needed his involvement in this or will PS&S be going to government agencies. Mr. Acropolis stated that PS&S was only going to DEP. PS&S is in the process of putting them together. Once it comes in, it will be reviewed by Counsel. The Director noted that it's basically a 5 year maintenance permit but they're going out to identify the easements that will fall under that permit. Then that way for the next 5 years, TRMUA won't have to involve the DEP.

Engineering

Mrs. Clement shared some of the highlights from Mr. Otten's report:

Pump Station 15 & 20 Supplemental Force Mains (SR-03-09b) –This project is expected to advertise this summer. Construction is planned to begin after Labor Day and be completed before the end of the year.

Sewer/MH Rehab Lining (SR-01—16) – The pre-con meeting for the Sewer & MH Rehab Lining contract, SR-01-16A will be scheduled for June 2017. The Sewer & MH Rehab Lining contract, SR-01-16B will have to be re-bid due to a fatal flaw in the bid's ownership disclosure, as submitted by low bidder. The next lowest bid was above the construction cost estimate.

New Capital Projects – Consultant PS&S has furnished proposals to assist with three new projects:

- Pipe Realignment/Replacements – Due to proposed realignments of two separate pipe locations, NJDEP permitting will be involved.
- Pipe Rehab/Dig-Replace – This project will essentially be a continuation of contract, PB-01-15.
- Land Use Permitting for Easement Maintenance – This will include permitting to allow the maintenance of easement within environmentally sensitive areas.

Land

Mr. Bilotta noted that there was nothing other than what was in the Directors report & Engineers report.

Personnel

Mr. Memoli commented that the final version of the Employee Handbooks have been bound and handed out to each member of the Board. The Director noted that the Handbooks were printed and bound in-house and each employee will also receive a copy.

Mr. Memoli mentioned that Mr. Acropolis had some interactions regarding the open position. The Director reported that we do have an opening in the finance office, which was authorized by the Board, to start the hiring process. The Director did look at some applications and an interview was scheduled. That person did not show up unfortunately, and since the Director was not sure if she received the message, a follow-up letter was sent asking her to call us so we could reschedule. The applicant probably received the letter last Friday or Saturday but we still have not heard yet. The Director commented that it's not a pressing need right now but he will go through that process slowly. Sometime after the summer, the Director noted that we will probably want to fill it prior to our next billing cycle.

At the same time, the Director mentioned that we also have to start the process to hire a Line Maintenance Worker, which was authorized by the Board at last month's meeting. This position is a little more pressing than the finance office since we have been down 2 to 3 men now for the past six to eight months. The Director would like to fill one of these position within the next month or two, only because they can get a lot more training and cross-training in the summertime when we do most of our construction and any other work that has to be done. The Director will keep the Board updated.

Mr. Bilotta asked if the staff had begun the summer hours schedule yet, and the Director confirmed that it started this week. The Director noted that since people come down to the shore more during the summer, the expanded hours have been helpful to ratepayers, as well as useful for cutting down on overtime, since our inspectors are working later than usual. There's always coverage for all our crews to be able to accommodate our ratepayers.

Mr. Acropolis reported that we have had conversations with the Township for the past sixty to ninety days, perhaps even more, regarding the Township CO's. We used to have access to their Certificate of Occupancy Data Base, first called Road Runner and then Edmunds. We no longer have access to that data base. They changed it over and there is a sequel server now that they are using, so we have not had access for over a year. They kept saying that we would be getting it but we never did. The Director emailed the Town Administrator last week and he commented that this was the first time he's heard of it but he will take care of it, which he did by sending out an email to staff to take care of the situation. The Director stated that the Town dropped off about twenty pieces of paper copies of CO reports. There is over a thousand that the Authority is waiting on that are in bins at the Township. The Director is going to schedule an appointment and bring those copies back to the Administrator. These thousand of residents are on temporary billing. When we finally find out that they have a CO, we have to back bill them, which will not please the ratepayers.

Mr. Acropolis reported on a new court decision regarding Rice Notices, but was waiting to hear back from labor counsel regarding discussing particular employees during meetings, even in a positive way. Mr. Memoli commented that we should notify employees when this is going to happen. The Director agreed. Ms. Toye, the Administrative Bookkeeping Specialist, noted that she received an email late in the day from labor counsel regarding posting a Rice Notice for all employees before meetings. The labor attorney stated that other organizations have been posting a generic Rice Notice for all employees a week before a meeting is set to take place. If an employee wishes to have the discussion in public, they can sign the letter, and the discussion will have to be discussed during public session. For disciplinary issues, labor counsel recommends notifying employees in the traditional Rice Notice manner by mailing the Rice Notice regular mail, mailing the Rice Notice certified, and delivering the Rice Notice in person.

The Director also reported that two TRMUA vehicles were involved in accidents, which were not at the fault of the TRMUA employees. They were rear-ended. However, yesterday, another TRMUA employee rear-ended another vehicle. The MUA vehicle didn't sustain much damage, but the other vehicle sustained considerable damage. The Personnel Committee has been made aware of the situation and has suggested to move this employee to the Buildings and Grounds crew, because there is limited driving of MUA vehicles. Since this just happened, the latest accident is still in the investigative stage, and disciplinary action is to be determined. The Director noted that progressive discipline is utilized, and depending on the situation, discipline can be up to and including termination. The Director will keep the Board updated.

Public Comment

Vice-Chairman Memoli opened the meeting to comments from the public. With no public comments the Vice-Chairman closed the public portion of the meeting.

Correspondence

None

Resolution to Enter Executive Session

No executive session was held.

Vice-Chairman Memoli asked if there were any other questions before adjourning. Mrs. Clement asked to get an update on the HoloLens & GIS Integration. Mr. Acropolis reported that there was a presentation made at the NJWEA Conference and from what Mr. Acropolis noted, 85% of the audience were very engrossed with the information that was presented. The Meemin company is going to offer us the program on a subscription basis and we could get a seat, like we do for Microsoft Office 365. At the MUA, we probably have about 35 seats that we pay for on a yearly basis. Most companies will go to a yearly subscription as opposed to one big number. Meemin has asked if we would be interested in being the first subscription based client, making us their point company since we've been here from the beginning. They are willing to give us an 85% discount, which is good as Mr. Acropolis mentioned that he didn't want to spend a lot of money. The Director believes it would be about \$5000 for two years, \$5000 this year and \$5000 next year. An article is being written for ESRI which is a quarterly report that goes to 1.2 million subscribers. We also have had other representatives from organizations up north come down to take a look of what we have to offer. At some point when everything has been smoothed out, we will bring in the media and re-invite other interested parties.

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