

TOMS RIVER MUNICIPAL UTILITIES AUTHORITY
Meeting Number Eleven Hundred Seventy-four

Agenda

October 27, 2015

The regular meeting of the Toms River Municipal Utilities Authority was held on Tuesday, October 27, 2015 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

Joseph Bilotta, Vice-Chairman

Carmen Memoli, Commissioner

Virginia Haines, Commissioner - *Absent*

Deborah Clement, Commissioner

Charles Valvano, Alt. Commissioner

Tariq Siddiqui, Alt. Commissioner

Stephen Acropolis, Executive Director/Sec'y.-Treas.

James Gluck, Esquire, Counsel

Daniel Leone, Esquire, Associate

James Lafferty, Director of Operations

Rosemary Rosetto, Controller

Nicholas Otten, Authority Engineer - *Absent*

Bernard Rutkowski, Regulatory Compliance/Safety Officer

Kelly Bellu, Administrative Bookkeeping Specialist

Georgia Benyola, Executive Secretary/Assistant Sec'y.

The regular Meeting #1174 was called to order at 4:30 p.m., October 27, 2015 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. Memoli, Mr. Bilotta and Mr. Bellu were present. Miss Haines was absent as previously noted last month. Mr. Valvano will be voting in her place.

Minutes of Meetings for Approval

A. Meeting #1173

September 22, 2015

New Submission

A motion was made by Mr. Bilotta and seconded by Mr. Memoli to approve the minutes of Meeting #1173 September 22, 2015 as written. A roll call vote was taken with Mr. Bilotta, Mr. Memoli, Mrs. Clement, Mr. Valvano and Mr. Bellu all casting affirmative votes.

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 \$1,166,063.03. A roll call vote was taken with Mr. Valvano, Mr. Bilotta, Mrs. Clement, Mr. Memoli, with the exception of James McHugh and Georgia Benyola's RX reimbursements, and Mr. Bellu, also with the exception of James McHugh and Georgia Benyola, 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 \$412,253.86. A roll call vote was taken with Mr. Bilotta, Mrs. Clement, Mr. Valvano, Mr. Memoli and Mr. Bellu all casting affirmative votes.

Ratification of Investment & Transfer Resolutions

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

Financial Reports

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

Finance & Investments:

Mr. Valvano reported that approximately two weeks ago, the US Government sold one month and three month T Bills for a yield of zero. Two days later, briefly the T Bills traded at a negative yield, where anybody who bought them knew they were going to lose money. Mr. Valvano noted that the rates had been extremely low and have gone down again. The ten year Treasury Bond is at 2.03% and Mr. Valvano feels that we should pass at this time and let our reserves build up again and revisit at a later date.

A motion was made by Mr. Valvano and seconded by Mr. Memoli to reinvest the available funds of \$72,382.51 in the Ocean First Trust Custodial Account. A roll call vote was taken with Mr. Valvano, Mr. Memoli, Mrs. Clement, Mr. Bilotta and Mr. Bellu all casting affirmative votes.

Operating Reports

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

Development Applications/Major Sub Divisions

There were no applications submitted for approval.

The next Authority meeting was confirmed for Tuesday, November 24, 2015 at 4:30 p.m.

Adoption of Resolutions/Approvals

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

2B. Authorization was given to purchase one (1) Kubota 4wd Utility Vehicle with Snow Plow and accessories as per the attached quotation from Cherry Valley Tractor Sales for a total cost of \$25,224.36; and

2C. Authorization ratifying the Lead Fleet Mechanic to repair the Tanker Pump for Truck 93 and purchase said pump from Vacuum Sales, Inc. for a total cost of \$6,023.00; and

2D. Authorization ratifying the purchase orders D5-00845 issued July 7, 2015 in the amount of \$4,583.50 and D5-00955 issued August 4, 2015 in the amount of \$19,408.07, based on said estimates submitted by Bahr & Sons Electric, are hereby accepted and that the installation of a new main 800 amp breaker and disconnect of the existing switch gear in the mechanical room project is hereby ratified.

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

A motion was made by Mrs. Clement and seconded by Mr. Memoli approving the following resolutions, 9A-3 through 9A-6 and 9A-11 & 12:

3. Authorization was given to award the contract for janitorial services to Best Cleaning Building Service; and

4. Authorization was given to purchase Software Maintenance Services for 2016 from Edmunds & Associates, Inc. for a cost not to exceed \$11,753.00; and

5. Authorization was given to James J. Gluck, Esq. and Gluck & Allen, LLC., the Authority General Counsel to commence condemnation proceedings for the purposes of establishing the necessary sanitary sewer easement for the installation, removal, repair, relocation, and maintenance of sanitary sewer mains, related utilities and/or appurtenances as required for the use, operation, and maintenance thereof on a portion of said property know as Block 443.12, Lot 22; and

6. Authorization was given to James J. Gluck, Esq. and Gluck & Allen, LLC., the Authority General Counsel to commence condemnation proceedings for the purposes of establishing the necessary sanitary sewer easement for the installation, removal, repair, relocation, and maintenance of sanitary sewer mains, related utilities and/or appurtenances as required for the use, operation, and maintenance thereof on a portion of said property know as Block 443.13, Lot 10; and

11. Authorization ratifying the revision of the Procurement Card issued to Safety Officer, Regulatory Compliance Officer, Bernard Rutkowski, to have a per transaction limit of \$5,000.00 and a monthly aggregate limit of \$9,000.00, due to New Jersey Motor Vehicle registrations; and

12. Authorization to approve a subsidiary contract for the supply and delivery of Diesel Fuel awarded to Riggins, Inc., Vineland, New Jersey, by the Lead Agency Stafford Township.

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

9A-7 Review/Discuss

An Interlocal Agreement for Berkeley Township Sewerage Authority (BTSA) was submitted by Counsel for review and discussion. Mr. Gluck mentioned that he had forwarded some of the comments that were made by BTSA to the Chairman and had incorporated them in the agreement as it stands now. Mr. Gluck also mentioned that the agreement is a 60/40% split and also has an escalated clause built in the agreement in case of any OCUA increases. Mr. Gluck noted that he is not looking to adopt the agreement at this time, but he would like the Board to review and discuss it further if necessary to find out

if the 60% actually covers our cost to OCUA. A motion was made by Mrs. Clement and seconded by Mr. Bilotta to table this item until the next meeting. The motion was carried by a unanimous voice vote, with Messrs. Memoli and Bellu abstaining.

9A-8 & 9A-9 Review/Approval

The Draft for the 2016 Connection Fee Calculation, which is done by statute, and the 2016 Draft Budget were submitted by the Controller for review. Counsel recommended that we go ahead and advertise the Public Notice for the Rate meeting for November 24, 2015 prior to our regular monthly meeting and he will make the arrangements to have a Court Reporter at the meeting. Chairman Bellu would like the Finance Committee to review the budget and come back with their recommendations at the November meeting also.

9A-10 Approval

Mr. Acropolis mentioned that usually once a year we have an auction to sell items that we no longer use. The itemized list shows the items the Authority has chosen to go for auction. A motion was made by Mrs. Clement and seconded by Mr. Bilotta to approve the items for auction. A roll call vote was taken with Mrs. Clement, Mr. Bilotta, Mr. Memoli, Mr. Valvano and Mr. Bellu all casting affirmative votes.

General Business

Mr. Acropolis had three items that he asked to bring up to the Board. First of all, Mr. Acropolis informed the Board that the Township has changed their data base for their Certificate of Occupancies (COs) from Edmunds. They are now using Spatial Data Logic. The Authority just found out about this recently and are now trying to get authorization from the Township to get the right code to access the CO information so that we will know when to put people back on billing.

Secondly, Mr. Acropolis mentioned that he spoke briefly with Mrs. Clement today about engineering transition, with the emanate departure of Mr. Lafferty on his retirement. Mr. Acropolis will need to change around the engineering area slightly as there are several really big projects coming up over the next year to two years. Mr. Acropolis will be talking more about this with the Engineering committee.

Lastly, Mr. Acropolis reported that he believes we broke up a drug distribution ring that was actually taking place in the woods across from our building. It seemed to have been somewhat of a big operation, as they could see a large box filled with many wrapped items inside. The police came and everything was cleared away. Mr. Acropolis noted that with the bus station down the road, we get taxis lining up around here at night in addition to some other things that go on. He informed the Board so that they are aware that we are addressing this as well as we go forward.

Unfinished Business

None

Committee Reports

Legal

Mr. Gluck reported on the status of the projects that they have been working on in getting easements in order and/or modified for Mariners Cove. They are also ready to start the condemnation proceedings that were already authorized by the Board in order to get the easements that are needed.

Mr. Gluck also reported that he did get an offer to settle a matter from one of the contractors. The contractor had contacted a firm that specializes in contractor's workouts and tries to get you to accept much less. They originally offered 100% at \$1,000 a month, which Mr. Gluck accepted, and then the next day withdrew their offer. Now their offer is 50 cents on the dollar on a total claim of approximately \$8,600. Mr. Gluck already has a default judgment against them. The Board suggested that he continue with his proceedings for collecting the full amount.

Mr. Gluck had a conversation with a second contractor who had drilled into our sewer main. This claim however is significantly more and the contractor wanted us to pay half. Mr. Gluck has a default judgment on this contractor also and will move forward with his proceedings for getting the final judgments.

Mr. Acropolis also mentioned that we worked through a couple of subpoenas, as the Commissioners have seen, which seemed to be Sandy related fraud cases.

Engineering

Mrs. Clement commented that there was no engineering report due to the passing of Mr. Otten's family member.

AD-HOC Union

Mr. Bellu mentioned that there were negotiations regarding the insurance. It was a very interesting meeting and Mr. Bellu was glad that they gave the paperwork to Connor, Strong & Buckelew to review. The paperwork is now in the hands of our Labor Counsel for further review.

Before continuing with the Agenda, Mr. Bellu had a question regarding the resolution that was approved earlier for the increase of the existing P-Card. He inquired as to why we cannot bring a check to Motor Vehicle for the registration amount. Mr. Rutkowski explained the problem he was having when he did bring checks. The amount was not always the same as what was quoted over the phone and much time was spent going back and forth. Mr. Bellu suggested that if this happens again, Mr. Rutkowski should ask for the Director of the Toms River Motor Vehicle and speak with her about the situation because it's unacceptable.

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 Mrs. Clement and seconded by Mr. Bilotta to adjourn the meeting at 5:05 p.m. The motion was carried by a unanimous voice vote.