

**TOMS RIVER MUNICIPAL UTILITIES AUTHORITY**

**Meeting Number Twelve Hundred Twenty-two**

Agenda

September 24, 2019

The regular meeting of the Toms River Municipal Utilities Authority was held on Tuesday, September 24, 2019 at 4:30 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  
Tariq M. Siddiqui, Vice-Chairman  
Deborah L. Clement, Commissioner  
Charles S. Valvano, Commissioner  
Ben A. Montenegro, Commissioner  
Joseph G. Bilotta – Alt. Commissioner  
Dr. Alfonso J. Manforti – Alt. Commissioner  
Robert J. DiBiase, Ex. Director/Sec’y.-Treas.  
Daniel G. Leone, 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 Sec’y.

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Meeting #1222 was called to order at 4:30 p.m., September 24, 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. Dr. Manforti, Mr. Bilotta, Mr. Montenegro, Mr. Valvano, Mrs. Clement, Mr. Siddiqui and Mr. Memoli were present.

**Minutes of Meetings for Approval**

*A. Meeting #1221 - August 27, 2019 - New Submission*

A motion was made by Mr. Siddiqui and seconded by Mr. Valvano to approve the minutes of Meeting #1221, August 27, 2019 as written. A roll call vote was taken with Mr. Siddiqui, Mr. Valvano, Mrs. Clement, Mr. Montenegro and Mr. Memoli all casting affirmative votes.

A motion was made by Mr. Valvano and seconded by Mr. Siddiqui to approve the minutes of Executive Session #1221, August 27, 2019 as written. A roll call vote was taken with Mr. Valvano, Mr. Siddiqui, Mr. Montenegro, Mrs. Clement and Mr. Memoli all casting affirmative votes.

**Disbursements**

A motion was made by Mr. Siddiqui and seconded by Mr. Montenegro to approve payment of the disbursements as listed in the amount of \$4,410,844.21. A roll call vote was taken with Mr. Siddiqui, Mr. Montenegro, with the exception of his RX reimbursement, Mrs. Clement, with the exception of her RX reimbursement, Mr. Valvano, with the exception of Gluck & Allen LLC, and Mr. Memoli, with the exception of Dynamic Testing Service, all casting affirmative votes.

*Additional Disbursements*

A motion was made by Mr. Valvano and seconded by Mrs. Clement to approve payment of the additional disbursements as listed in the amount of \$6,545.37. A roll call vote was taken with Mr. Valvano, Mrs. Clement, Mr. Siddiqui, Mr. Montenegro and Mr. Memoli all casting affirmative votes.

**Ratification of Investment & Transfer Resolutions**

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

**Financial Reports**

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

*Finance & Investments: 6G*

Mr. Valvano stated that the Finance Committee, along with Ex. Director DiBiase, had a grant meeting with Bruno Associates, Inc. Bruno Associates are a highly reputable and respected firm in the State of New Jersey for over 45 years obtaining grant funding for a wide variety of projects for Townships and Authorities. Mr. Bruno talked about grants at the Federal level and at the State level. The application time for the Federal level is 6 to 9 months and the State level is a lot less in time. Mr. Valvano was told that there is grant money there but it's not there all the time and basically, that's where Bruno Associates come in. Mr. Bruno, in the past, has gotten millions of grant dollars for municipalities and has also had experiences with MUAs and EPA. Mr. Valvano spoke with the Chairman and wanted to discuss how the Committee will go forward with this. He also stated that at this time there was no potential grant in the future. It was decided that since the

money was not available at this time, Mr. Bruno will contact the Director when the list is out and the grants become available once again. The Director will then contact the Chairman and Finance Committee to meet with Bruno Associates.

Mr. Valvano then made a motion, seconded by Mrs. Clement to reinvest the available funds of \$34,877.86 into the Ocean First Trust Custodial Account. A roll call vote was taken with Mr. Valvano, Mrs. Clement, Mr. Montenegro, Mr. Siddiqui 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. Montenegro, Mr. Valvano and Mr. Memoli all casting affirmative votes.

#### **Development Applications-Major Sub Divisions**

There were no applications submitted for approval.

#### **Authority Meeting**

The next Authority meeting was confirmed for Tuesday, October 22, 2019 at 4:30 p.m.

#### **Adoption of Resolutions/Capital Purchases**

A motion was made by Mrs. Clement and seconded by Mr. Valvano approving the following resolutions, 9A-2A through 9A-5:

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

9A-3 - Authorization was given to advertise and post the sale of surplus personal property no longer needed for public use, identified as Toms River MUA 2019 auction items on the internet at the Municibid auction website; and

9A-4 - Authorization was given to enter into a one year contract with Preferred Behavioral Health Group, PO Box 2036, Lakewood, NJ 08701 to provide Employee Assistance Program Services at a cost not to exceed \$2,951.00; and

9A-5 - Authorization was given to approve the acquisition and installation of one (1) BABO38529 Tool Storage Cabinet from the Snap-On Industrial at a cost of \$5,990.12.

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

#### **9A-6 – Approval – Draft 5 Year Capital Plan 2020-2025**

A motion was made by Mrs. Clement and seconded by Mr. Valvano to bring back to the table the 5 Year Capital Plan 2020-2025 Draft that was tabled at the meeting of August 27, 2019. A roll call vote was taken with Mr. Clement, Mr. Valvano, Mr. Siddiqui, Mr. Montenegro and Mr. Memoli all casting affirmative votes.

A motion was made by Mrs. Clement and seconded by Mr. Valvano to approve the TRMUA 5 Year Capital Plan 2020-2025 as revised. At the last meeting, the Chairman had some questions and costs that he wanted clarified and so did Mrs. Clement. The Director researched the requests and clarified the concerns regarding the toughbooks, telephone system and the Comcast cameras situation. The pump stations were revised with a reduction of the alarm system upgrade. A roll call vote was taken with Mr. Valvano, Mr. Montenegro, Mrs. Clement, Mr. Siddiqui and Mr. Memoli all casting affirmative votes.

## Unfinished Business

Mr. DiBiase noted that the Grease Trap Ordinance mentioned at the last meeting was still in legal at the Township and according to Mr. Gluck, it was being placed on the agenda for that evening. Mr. DiBiase went to the Council meeting and it was passed that night. The Director had copies available for the Commissioners to read.

## Committee Reports

### Legal

1. Shared Services Agreement: The issue of the Toms River Business District using our fueling facility for fuel must provide documentation to the supplier that they are tax exempt as a governmental entity, such documentation would come from the IRS. Counsel has discussed this with the Ex. Director of the BID and if and when they obtain the necessary documentation, they can commence fueling at our facility and will be directly billed by the supplier. Counsel stated that it's really not up to us at this point, it's up to the BID to get the tax exempt documentation. Mr. Leone recommends that we table this for now until we hear from TR BID.

The other issue that came up was with the Island Heights shared services agreement. As we all know, there are many properties in Island Heights that the TRMUA provides sanitary sewer services to. This past summer, they had a resolution that was discussed with the Borough to reup the agreement and execute a new agreement for the shared services. Island Heights, through their Counsel, confirmed that they are interested to reuping; however, there are a few issues that need to be taken care of first. There were four properties that were to be added on the shared services but only 2 got on and were being billed. The other 2 were not. Counsel needs to determine when the 2 properties that were not billed got connected into the system and how far back did they go. The other issue, as pointed out by our CFO, the 2004 agreement did not have rate increases and didn't have them for a long time. In 2014 agreement, there was a set rate, approximately \$9,300 for the year and billed quarterly. Mr. Leone talked to Mr. Gluck about that, however, Mr. Gluck will need to review his file. Mr. Leone has not been able to contact Counsel for Island Heights. There may be a conflict of interest with Counsel's firm and the TRMUA and in that case, they may need a special counsel.

Mr. Siddiqui mentioned that anytime there's an OCUA rate increase in the shared services agreements, it should always include the TRMUA and suggested to Counsel that we should add an additional paragraph with the proper language in the shared services agreements. Counsel and the Board were in agreement.

2. Earle Asphalt: Counsel stated that they are continuing to pursue Earle. Discussion will be held in executive session.

3. Pitale/Lavallette-Litigation: Counsel noted that they are also continuing to defend the TRMUA in the Pitale matter, which is in the Borough of Lavallette.

### Engineering

Mr. Siddiqui noted that there was a Committee meeting yesterday. There was one item he wanted to report. Mr. Siddiqui proceeded to say that Mr. Otten reported that he received the approval for the planning and decision document from the State for the loan application for the rehab project. The next step is to get the approval to advertise the project for bids. We also have some equipment purchases with that application and everything seems to be working well.

### Regionalization

Mr. Siddiqui stated that we already have talked about this today.

### User Charge

Nothing to report at this time.

### Land Use

Mr. Bilotta mentioned that Nick from TR BID contacted Mr. DiBiase and was told that the Corporation is still interested in the back property but will not discuss it any further until after they have purchased the adjacent property.

The Commissioners requested a copy of the map depicting the TRMUA's Riverside property for next month's meeting.

### Personnel

Chairman Memoli noted that we have a foreman that is retiring and we had a training program in place for future foremen to take over; however, there was only one applicant in this program. Once the foreman officially submits his paperwork and is approved by the State, the job will be posted for the rehab foreman.

The Director had hired a part-time school teacher to go through our website during the summer and input data on spreadsheets so they can be searchable and to codify the resolutions and minutes. The person had to return to school and was unable to complete the total project. The Director mentioned to the Board that he is proposing to rehire this person for a couple of hours each week in order to complete the task. The Director will oversee her work as before and that it stays under the salary cap. The Board agreed.

### Public Comments

Chairman Memoli opened the meeting to comments from the Public. Mrs. Rosetto mentioned that she wants to keep this ongoing. Even this morning our QPA was very upset because of this intersection. Mrs. Rosetto said it was scary for him as well as it was for all of them. With no additional comments, Chairman Memoli closed the public portion of the meeting.

### Correspondence

One of the ratepayers from Route 35 North, had a problem with their toilet and called to let the Director know how impressed she was with the construction team and the fact that they were kind enough to explain everything to her. She highly commended their professionalism and performance.

### Resolution to Enter Executive Session

A motion was made by Mr. Montenegro and seconded by Mr. Valvano to adopt the resolution to enter Executive Session at 5:35 p.m. to discuss personnel matters, litigation and potential litigation. The motion was carried by unanimous voice call.

### **Public Session reconvened at 5:40 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 5:40 p.m. The motion was carried by a unanimous voice vote.

**TOMS RIVER MUNICIPAL UTILITIES AUTHORITY**  
**Meeting Number Twelve Hundred Twenty-two**

**Executive Session**

Executive Session convened at 5:37 p.m.

September 24, 2019

**The following were present:**

Carmen J. Memoli, Chairman

Tariq M. Siddiqui, Vice-Chairman

Deborah L. Clement, Commissioner

Charles S. Valvano, Commissioner

Ben A. Montenegro, Commissioner

Joseph G. Bilotta, Alt. Commissioner

Dr. Alfonso J. Manforti, Alt. Commissioner

Robert J. DiBiase, Executive Director/Sec'y.-Treas.

Daniel G. Leone, Esquire, Counsel

Rosemary Rosetto, Chief Financial Officer

Nicholas Otten, Authority Engineer

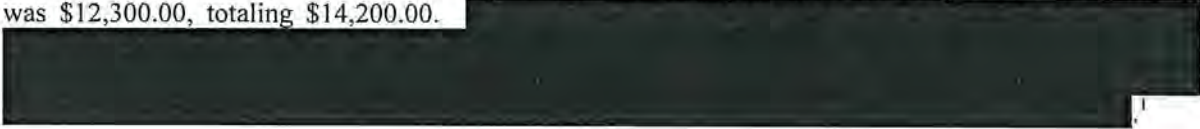
Bernard Rutkowski, Regulatory Compliance/Safety Officer

Cindy Toye, Administrative Bookkeeping Specialist

Georgia Benyola, Executive Secretary/Assistant Secretary

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Mrs. Rosetto, Mrs. Toye, Mr. Otten and Mr. Rutkowski were excused from the meeting. Mr. Leone stated that they are pursuing two claims against Earle Asphalt. The first claim is at 54 Surf Way in Toms River and the second one is at Route 571 in Whitesville. Earle Asphalt was doing paving projects on these roads and they paved over the manhole cover at Route 571 and needed excessive repair and he believes that it was the same at 54 Surf Way. The claim was \$1,900.00 on Surf Way and on Whitesville it was \$12,300.00, totaling \$14,200.00.



With no further business to discuss, a motion was made by Mr. Montenegro and seconded by Mr. Valvano to close the Executive Session and re-open Public Session at 5:40. The motion was carried by a unanimous voice vote.

<sup>1</sup> Redaction was made only to delete the discussions subject to attorney-client privilege regarding advice related to the litigation matters entitled Toms River Municipal Utilities Authority v. Earle Asphalt Company f/k/a Earle Asphalt & Paving Co. and ABC Company(s) 1-10, Docket No. MON-DC-8546-19 and Toms River Municipal Utilities Authority v. Earle Asphalt Company f/k/a Earle Asphalt & Paving Co. and ABC Company(s) 1-10, Docket No. MON-DC-8553-19.