

**TOMS RIVER MUNICIPAL UTILITIES AUTHORITY**  
**Meeting Number Eleven Hundred Sixty-two**

Agenda

November 25, 2014

The regular meeting of the Toms River Municipal Utilities Authority was held on Tuesday, November 25, 2014 at 4:31 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  
Deborah Clement, Commissioner  
Charles Valvano, Alt. Commissioner  
Tariq Siddiqui, Alt. Commissioner  
Stephen Acropolis, Executive Director/Sec'y.-Treas.  
James Gluck, Esq., Counsel  
James Lafferty, Director of Operations  
Rosemary Rosetto, Controller  
Nicholas Otten, Authority Engineer  
Bernard Rutkowski, Regulatory Compliance/Safety Officer  
Kelly Bellu, Administrative Bookkeeping Specialist  
Georgia Benyola, Executive Secretary/Assistant Sec'y.

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The Public Hearing for the Proposed 2015 Sewer User Rate and Connection Fee was held on November 25, 2014 with Mr. Gluck presiding over the meeting. Attached is a copy of the computerized transcript of the proposed 2015 sewer user rate and connection fee taken on November 25, 2014, by Colleen M. Vaughn, Certified Court Reporter. Meeting concluded at 4:31 p.m.

Meeting #1162 was called to order at 4:31 p.m., November 25, 2014 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, Miss Haines, Mr. Memoli, Mr. Bilotta and Mr. Bellu were present.

### **Minutes of Meetings for Approval**

*A. Meeting #1161*

*October 28, 2014*

*New Submission*

A motion was made by Mr. Bilotta and seconded by Mrs. Clement to approve the minutes of Meeting #1161 October 28, 2014 as written. A roll call vote was taken with Mr. Bilotta, Mrs. Clement, Miss Haines, Mr. Memoli and Mr. Bellu all casting affirmative votes.

*B. Ex. Session #1161*

*October 28, 2014*

*New Submission*

A motion was made by Mrs. Clement and seconded by Miss Haines to approve the minutes of the Executive Session #1161 as written. A roll call vote was taken with Mrs. Clement, Miss Haines, Mr. Memoli, Mr. Bilotta and Mr. Bellu all casting affirmative votes.

### **Disbursements**

A motion was made by Mrs. Clement and seconded by Mr. Bilotta to approve payment of the disbursements as listed in the amount of \$3,529,351.35 with the exception of DeMaio Electrical Company, Inc. A roll call vote was taken with Mrs. Clement, Mr. Bilotta, Mr. Memoli, Miss Haines and Mr. Bellu all casting affirmative votes. There were no additional disbursements listed.

### **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, Miss Haines and Mr. Bellu all casting affirmative votes.

### **Financial Reports 6A-F**

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

### **Finance & Investments: 6G**

Mr. Valvano reported that since our last meeting the ten year Treasury bond hardly moved only going from 2.27% to approximately 2.31%. Mr. Valvano also was given three quotes but he felt that none of them seemed appropriate at this time. Mr. Valvano asked that we do not invest at this time but he will keep abreast of the situation and notify either Chairman Bellu or Committee Chairman Memoli for some input if something suitable becomes available.

Mr. Valvano asked for a motion to reinvest the available funds in the Ocean First Trust Custodial Account. A motion was made by Mrs. Clement and seconded by Mr. Bilotta to reinvest the available funds of \$56,765.59 in the Ocean First Trust Custodial Account. A roll call vote was taken with Mrs. Clement, Mr. Bilotta, Mr. Memoli, Miss Haines 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, Miss Haines and Mr. Bellu all casting affirmative votes.

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

No applications were submitted for approval.

**The next Authority meeting was confirmed for Tuesday, December 9, 2014 at 4:30 p.m.**

### **Adoption of Resolutions Authorizing Capital Purchases**

There were no resolutions for capital purchases or ratification.

### **Resolution-Change Order No. 2**

A motion was made by Mrs. Clement and seconded by Miss Haines authorizing to grant a time extension which is needed in order to successfully complete the Roof Replacement-Administration Building and Adjacent Vehicle Garages project; and that the time to complete the contract is extended thirty (30) days, with a new date of completion being December 16, 2014, at no additional cost to the Toms River Municipal Utilities Authority. A roll call vote was taken by Mrs. Clement, Miss Haines, Mr. Bilotta, Mr. Memoli and Mr. Bellu all casting affirmative votes.

### **Resolution-Change Order No. 1**

A motion was made by Mr. Bilotta and seconded by Mrs. Clement authorizing additional work needed to successfully complete the Hydrostatic Testing of the 14" HDPE pipe under Silver Bay project and that the contract issued to American Pipe Cleaning, LLC be increased by \$3,200.00 and the contract be commensurately increased from \$7,500.00 to \$10,700.00. A roll call vote was taken by Mr. Bilotta, Mrs. Clement, Mr. Memoli, Miss Haines and Mr. Bellu all casting affirmative votes.

### **Resolution-Authorization to Advertise**

A motion was made by Mrs. Clement and seconded by Mr. Bilotta authorizing the Authority's Qualified Purchasing Agent (QPA) to advertise for the receiving of proposals and to prepare formal proposal specifications for professional services in accordance with Chapter 19, P.L. 2004. A roll call vote was taken with Mrs. Clement, Mr. Bilotta, Mr. Memoli, Miss Haines and Mr. Bellu all casting affirmative votes.

### **Resolution-Late Budget Submittal**

A motion was made by Mr. Bilotta and seconded by Mr. Memoli to adopt this resolution as a statement of explanation regarding the late submittal of the budget submitted after the State mandated deadline of November 1, 2014. A roll call vote was taken with Mr. Bilotta, Mr. Memoli, Mrs. Clement, Miss Haines and Mr. Bellu all casting affirmative votes.

### **Approval-2015 Budget**

A motion was made by Mrs. Clement and seconded by Mr. Bilotta to adopt the proposed Operating and Capital Budgets for fiscal year 2015 and authorize the immediate transmittal of the budget documents to the State of New Jersey, Department of Community Affairs for their approval and certification. A roll call vote was taken with Mrs. Clement, Mr. Bilotta, Mr. Memoli, Miss Haines and Mr. Bellu all casting affirmative votes.

### **Unfinished Business**

Mr. Gluck requested that everyone should be consistent with the rest of the staff and acknowledge the report they complete.

### **Committee Reports**

Legal - Mr. Gluck will address issues in Executive Session.

Personnel – Miss Haines reported that there was an incident with an employee driving a backhoe while working on an easement. While driving between trees, he accidentally road over a stump which caused him to go off the road damaging the backhoe. All the usual testing was completed and it was recommended to discipline him with a one day suspension.

Miss Haines also mentioned having issues with the employees using cell phones. The Director stated that he did see an employee driving out of the yard talking on the cell phone. He pulled him over and had a verbal counseling session with him and let him know that this would be noted in his file as his first offense, that is part of progressive discipline. First verbal counseling, then written notice, then suspension, and finally termination. The Director also asked the Commissioners to let him know if they see any of the workers on cell phones while driving MUA property.

In addition, Director Acropolis mentioned an employee who was out for a week and returned with a note from a chiropractor. After discussion with the union and labor attorney, the Director notified all personnel that in the future only notes from a MD doctor will be accepted. Chiropractors and nurse practitioners will not be accepted.

Employee evaluations are going forward. Miss Haines along with Mr. Acropolis have discussed the new evaluation forms since the Authority has gone to the number system. Miss Haines did say that due to the number system, some reductions in a couple of the evaluations were made giving a more accurate evaluation average of the employees.

Miss Haines will address another issue in Executive Session.

Engineering – Mrs. Clement noted that the Committee meeting was cancelled due to the League of Municipalities Conference. Mr. Acropolis also noted that the AEA Conference was that week as well, which enabled the attendees to see both.

### **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**

The Board was very appreciative of the call made by a homeowner to Mr. Lafferty commending Jonathan Blasi and Mike Cucinotta for a job well done.

### **Resolution to Enter Executive Session**

A motion was made by Mrs. Clement and seconded by Mr. Memoli to adopt the resolution to enter Executive Session at 4:56 p.m. to discuss personnel matters, litigation and potential litigation. The motion was carried with a unanimous voice vote.

### **Public Session reconvened at 5:17 p.m.**

With no further business before the Board, a motion was made by Mrs. Clement and seconded by Mr. Bilotta to adjourn the meeting at 5:17 pm. The motion was carried by a unanimous voice vote.