

TOMS RIVER MUNICIPAL UTILITIES AUTHORITY

Meeting Number Eleven Hundred Sixty-six

Agenda

February 24, 2015

The 2015 re-organization meeting of the Toms River Municipal Utilities Authority was held on Tuesday, February 24, 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
- 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 - Absent
- Georgia Benyola, Executive Secretary/Assistant Sec’y.

The re-organization Meeting #1166 was called to order at 4:30 p.m., February 24, 2015 by Executive Director, Stephen C. Acropolis.

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.

Election of Officers for 2015

Chairman

Mr. Acropolis asked for nominations for the position of Chairman.

Miss Haines nominated Juan Bellu to serve as Chairman for 2015 and it was seconded by Mrs. Clement. A roll call vote was taken with Miss Haines, Mrs. Clement, Mr. Bilotta and Mr. Bellu all

casting affirmative votes. Mr. Memoli abstained. Mr. Bellu thanked everyone for their support and proceeded to officiate the meeting.

Vice-Chairman

Mr. Bellu asked for nominations for the position of Vice-Chairman.

Mrs. Clement nominated Joseph Bilotta to serve as Vice-Chairman for 2015 and it was seconded by Miss Haines. A roll call vote was taken with Mrs. Clement, Miss Haines, Mr. Memoli, Mr. Bilotta and Mr. Bellu all casting affirmative votes.

Secretary-Treasurer

Mr. Bellu asked for nominations for the position of Secretary/Treasurer.

Mrs. Clement nominated Stephen Acropolis to serve as Secretary/Treasurer for 2015 and it was seconded by Mr. Bilotta. A roll call vote was taken with Mrs. Clement, Mr. Bilotta, Mr. Memoli, Miss Haines and Mr. Bellu all casting affirmative votes.

Assistant Secretary

Mr. Bellu asked for nominations for the position of Assistant Secretary.

Miss Haines nominated Georgia Benyola to serve as Assistant Secretary for 2015 and it was seconded by Mr. Bilotta. A roll call vote was taken with Miss Haines, Mr. Bilotta, Mrs. Clement, Mr. Memoli and Mr. Bellu all casting affirmative votes.

Assistant Treasurer

Mr. Bellu asked for nominations for the position of Assistant Treasurer.

Mrs. Clement nominated Rosemary Rosetto to serve as Assistant Treasurer for 2015 and it was seconded by Miss Haines. A roll call vote was taken with Mrs. Clement, Miss Haines, Mr. Memoli, Mr. Bilotta and Mr. Bellu all casting affirmative votes.

Appointment of Professionals

Mr. Bellu went on to address the appointment of professionals for year 2015 and asked for a motion for General Counsel. A motion was made by Mrs. Clement and seconded by Miss Haines to award a professional contract to Gluck & Allen, LLC as General Counsel for year 2015 as presented in the resolution. A roll call vote was taken with Mrs. Clement, Miss Haines, Mr. Memoli, Mr. Bilotta and Mr. Bellu all casting affirmative votes.

The next professional appointment was for Labor Counsel. A motion was made by Mrs. Clement and seconded by Mr. Bilotta to award a professional contract to Citta, Holzapfel & Zabarsky for Labor Counsel for year 2015 as presented in the resolution. A roll call vote was taken with Mrs. Clement, Mr. Bilotta, Mr. Memoli, Miss Haines and Mr. Bellu all casting affirmative votes.

The next professional appointment was for Bond Counsel. A motion was made by Miss Haines and seconded by Mrs. Clement to award professional contracts for Bond Counsel to the following firms for year 2015 as presented in the resolutions:

Bathgate, Wegener & Wolf
DeCotiis, Fitzpatrick & Cole
Gluck Walrath, LLP
Hawkins, Delafield & Wood
Law Office of John Hudak
Parker McCay, P.A.

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

Mr. Bellu asked for a motion to award all the remaining professionals, agenda items 2B-4 through 2B-8, since the Commissioners had already reviewed the proposals prior to this meeting. A motion was made by Miss Haines and seconded by Mrs. Clement to award professional contracts to the following firms for year 2015 as presented in the resolutions:

Miss Haines questioned whether there were any new engineers added this year. Mr. Acropolis mentioned that Suburban Consulting Engineers were added to the list since they didn't take any exceptions to our RFP guidelines. Mr. Acropolis also mentioned that one of the firms from last year did not meet the time deadline. The bid opening was at 10:00 a.m. but due to a delivery mishap, the package did not get delivered on time. Mr. Acropolis, with Counsel's approval, mentioned that the Authority would like to go out for engineering RFPs again. Mr. Bellu agreed since he did not feel that anyone should be penalized for a delivery error.

- Auditor/Acct. Services - Holman, Frenia, Allision P.C.
- Financial Consultants - Acacia Financial Group
NW Financial Group, LLC
Phoenix Advisors, LLC
- Underwriter Consultants - NW Capital Markets
- Consulting Engineers - D Desmond Corp.
Hatch, Mott & MacDonald
Maser Consulting
Owen Little & Associates
PS&S
Remington, Vernick & Vena
Suburban Consulting Engineers
T & M Associates
Van Cleef Engineering Associates
- Banks - Amboy National Bank
Investors Bank
TD Bank
Ocean First Bank – Custodial Services
Bank of America
JP Morgan Chase
Wells Fargo Bank
PNC Bank
Provident Bank
Sun National Bank
Santander Bank
Harmony Bank

With no further questions, a roll call vote was taken with Miss Haines, Mrs. Clement, Mr. Bilotta, and Mr. Bellu all casting affirmative votes. Mr. Memoli also cast an affirmative vote, with the exception of TD Bank of which he voted no.

Newspapers of Record

A motion was made by Mr. Bilotta and seconded by Mrs. Clement to appoint the official newspapers of record for 2015. They are as follows:

- Asbury Park Press
- The Star Ledger
- Ocean Signal

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

2015 Annual Meeting Schedule-Cash Management Plan & 10 Year Plan

Mr. Bellu asked for a motion to adopt Agenda items 2D, 2E and 2F. A motion was made by Miss Haines and seconded by Mr. Bilotta to adopt the Annual Meeting Schedule, with the corrected date reading January 26, 2016, the Cash Management Plan and the 2015-2024 10-Year Capital & Rate Stabilization Plan as presented for year 2015. A roll call vote was taken with Miss Haines, Mr. Bilotta, Mrs. Clement, Mr. Memoli and Mr. Bellu all casting affirmative votes.

Committee Appointments for 2015

Chairman Bellu introduced his 2015 Committees to the Board. Since there were no questions or conflicts to discuss, the Committees will stand as presented by the Chairman. The appointed committees are as follows:

- Legal - Carmen Memoli, Chair; Charles Valvano
- Finance - Carmen Memoli; Chair; Charles Valvano
- Personnel - Virginia Haines, Chair; Carmen Memoli
- Engineering & Technology - Deborah Clement, Chair; Tariq Siddiqui
- Liaison to Township - Juan Bellu, Chair; Joseph Bilotta
- User Charge - Deborah Clement, Chair; Tariq Siddiqui
- Land - Virginia Haines, Chair; Deborah Clement
- AD HOC/Union Contracts - Virginia Haines, Chair; Juan Bellu
- Regionalization - Joseph Bilotta, Chair; Deborah Clement

Minutes of Meetings for Approval

A. Meeting #1165 January 27, 2015 - New Submission

A motion was made by Mrs. Clement and seconded by Mr. Memoli to approve the minutes of Meeting #1165 January 27, 2015 as written. A roll call vote was taken with Mrs. Clement, Mr. Memoli, Mr. Bilotta and Mr. Bellu all casting affirmative votes. Due to her absence, Miss Haines abstained.

B. Ex. Session #1165 January 27, 2015 - New Submission

A motion was made by Mrs. Clement and seconded by Mr. Memoli to approve the minutes of the Executive Session #1165 as written. A roll call vote was taken with Mrs. Clement, Mr. Memoli, Mr. Bilotta and Mr. Bellu all casting affirmative votes. Due to her absence, Miss Haines abstained.

Disbursements

A motion was made by Mr. Memoli and seconded by Mrs. Clement to approve payment of the disbursements as listed in the amount of \$3,574,836.02. A roll call vote was taken with Mrs. Clement,

Miss Haines and Mr. Bilotta all casting affirmative votes. Mr. Memoli and Mr. Bellu also cast affirmative votes, with the exception of reimbursements on line items for Juan Bellu, Kelly Bellu, Carmen Memoli and a refund on line item for Raymond Zuhowski.

There were no additional disbursements listed.

Ratification of Investment & Transfer Resolutions

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

Financial Reports 6A-6F

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

Finance & Investments: 6G

Mr. Valvano reported that our funds are extremely limited with potential CMO purchases; however, he still had a report from the Wall Street Journal stating that there have been numerous federal reserve members that have been asking to raise rates but then the next day, there are articles from other markets that do not seem to believe that the Central Bank will follow through on its mid-year rate hike. The Chair of the Federal Reserve spoke today and according to Mr. Valvano, she changed her wording stating that they are going to go meeting to meeting and make a decision where previously she never made such a comment; however, she did say that she will not be pushed into raising rates. Mr. Valvano continued to report that with the potential CMO balance being low, we are going to let it build up and in a couple of months we should revisit the issue.

Mr. Valvano then asked that a motion be made to reinvest the available funds with Ocean First Trust Custodial Account. A motion was made by Mr. Memoli and seconded by Mr. Bilotta to reinvest the available funds of \$45,258.29 in the Ocean First Trust Custodial Account. A roll call vote was taken with Mr. Memoli, Mr. Bilotta, Mrs. Clement, Miss Haines and Mr. Bellu all casting affirmative votes.

Operating Reports

A motion was made by Mr. Bilotta and seconded by Mrs. Clement that the operating reports be accepted as presented.

Miss Haines questioned an item on the Safety report regarding whether or not we knew the number of gallons that a septic hauler discharged into our sanitary sewer system. Mr. Rutkowski reported that he did not know the amount of gallons or how long he's been doing it but this hauler has had a history of discharging in the past in other utilities. Mr. Acropolis mentioned that this issue came about because an employee of OCUA, who lives in Toms River, saw someone dumping in our line and notified the TRMUA. After investigating the incident, the hauler was contacted by the TRMUA and all

information was turned over to the NJDEP. The roll call vote was taken for the acceptance of the operating reports with Mr. Bilotta, Mrs. Clement, Miss Haines, Mr. Memoli and Mr. Bellu all casting affirmative votes.

Report on Development Applications-Major Sub Divisions

There were no applications or approvals reported at this time.

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

Adoption of Resolutions Authorizing Capital Purchases

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

- A. Ratification of IPC capital purchases; and
- B. Authorization was given to purchase one (1) 2015 Ford F250 Extended Cab 4WD Pickup Truck as per quotation from Winner Ford in the amount of \$42,724.00 issued by the State of New Jersey Co-operative Purchasing Program, contract #A83576, T2100; and
- C. Authorization was given to purchase one (1) 2015 Ford F450 Cab & Chassis Crew Cab 4x4 Truck as per quotation from Winner Ford in the amount of \$69,780.00 issued by the State of New Jersey Co-operative Purchasing Program, contract #A88215, T2102; and
- D. Authorization was given to purchase one (1) 2015 Ford F250 Extended Cab 4WD Pickup Truck as per quotation from Winner Ford in the amount of \$45,323.00 issued by the State of New Jersey Co-operative Purchasing Program, contract #A83576, T2100.

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

Resolutions

A motion was made by Mrs. Clement and seconded by Mr. Bilotta approving the following resolutions, 9A-3 through 10:

Mr. Acropolis pointed out to the Chairman that there was another resolution, #11, in the handout which could be included in this motion. Mr. Siddiqui also pointed out a typo error on item #4 which will be corrected. Mr. Gluck commented that he had submitted the Interlocal Services Agreement between Beachwood Sewerage Authority and the Toms River MUA for approval tonight and also mentioned that he had received an e-mail from Pamela Piner from the Toms River Parking Authority saying they were going to review the agreement and if they have any changes, they will get back to us. At this time Mr. Gluck requested that item #9 be tabled until the next meeting.

Motion was then modified by Mrs. Clement and seconded by Mr. Bilotta to approve the adoption of the following resolutions 9A-3 through 11, with the exception of #9 which will be tabled until the next meeting and with the typo correction on #4:

3. Authorization was given to approve Change Order No. 3 and that the contract issued to Gen II Contracting Company, Inc. be reduced by \$2,006.06 and the contract be commensurately reduced from \$123,875.00 to \$121,868.94 representing a deduction from the contract amount for costs incurred due to two leaks in the rood, in order to successfully complete the Roof Replacement-Administration Building and Adjacent Vehicle Garages project; and

4. Authorization was given to the QPA to re-advertise for the solicitation of bids for Contract No. TRMUA 5-14, Furnish and Delivery of Flood Panels for three (3) Sanitary Sewer Pump Stations; and

5. Authorization was given to the Director of Operations to advertise for the solicitation of bids for the Parking Lot Improvements-Authority Main Complex project, Contract No. TRMUA 2-15 and authorization to Maser Consulting, the consulting engineer for the project, to prepare formal bid specifications; and

6. Authorization was given to the Director of Operations to advertise for the solicitation of bids and to prepare formal bid specifications for an Annual Unit Price Contract-Variou Locations; and

7. Authorization approving the designation of Bernard Rutkowski as the Public Agency Compliance Officer for the Toms River Municipal Utilities Authority for a period of one year expiring at time of re-organization in February, 2016; and

8. Authorization approving an Interlocal Services Agreement between Toms River Municipal Utilities Authority and the Beachwood Sewerage Authority and authorizing the Executive Director to execute and the Assistant Secretary to attest to an Interlocal Services Agreement; and

9. This item was tabled until the next meeting; and

10. Authorization to adopt the Emergency Purchasing Policy for year 2015 as presented; and

11. Authorization ratifying that funding for the work listed on the January 27, 2015 resolution, regarding the installation of a new generator panel board, receptacle outlets and circuits, will come from unanticipated capital funds; and the acceptance of the proposal submitted by Bahr and Sons Electrical Contractors to increase the contract awarded on January 27, 2015 from \$35,000.00 to \$45,000.00 for costs incurred due to unsafe conditions that were discovered prior to installation.

A roll call vote was taken with Mrs. Clement, Mr. Bilotta, Miss Haines and Mr. Bellu all casting affirmative votes. Mr. Memoli also cast an affirmative vote, with the exception of tabling #9 of which he abstained.

Unfinished Business

Mr. Bellu asked for the update on First United Methodist Church. Mrs. Rosetto reported that she received a call from Mr. Leifert who had some questions that he needed to clarify regarding the letter he received from Mr. Acropolis. Apparently there was some confusion, however, Mrs. Rosetto explained to Mr. Leifert the information, stated in the letter, that Mr. Acropolis would need in order to present to the Board. Mrs. Rosetto also said that Mr. Leifert was going to call Mr. Acropolis with his decision. Mrs. Clement commented that they may be disconnecting the trailer due to lack of projects.

Committee Reports

Legal – Mr. Gluck reported that a meeting has been scheduled at his office on Thursday to discuss the two outstanding litigation matters.

Engineering - Mrs. Clement asked Mr. Siddiqui to comment on his meeting with Mr. Otten and OCUA regarding the Pipe Cleaning and Televising project. Mr. Siddiqui said the meeting was held on February 5th to discuss disposal options at the OCUA to see if they could take all the debris from the pipe lines. Although the OCUA did not say they would not take it, they cannot guarantee capacity to accept debris of this project's magnitude. The "no guarantee" situation would create a problem with composing the project specifications. Mr. Siddiqui suggested to Mr. Otten that they meet with some contractors that have been involved in this type of work. Mr. Otten already has two appointments scheduled for the 3rd

and 6th of March. Specifications for this bid should be composed in a way that the contractor will be responsible for securing the disposal location.

Mrs. Clement took a moment to comment on the Pipe Bursting Capital Project on the engineer's report. Mr. Otten had a discussion with one of the partners from PS&S. There has been a change and Mr. Otten will not be delineating the three locations approximately thirty feet into the wetlands. The partner from PS&S informed Mr. Otten that she will help move the permits along so that they won't just sit there with our applications and cause delays.

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

Executive Session

None

Mr. Bellu asked if there were any further questions or comments from the Commissioners. Miss Haines wanted to wish Mr. Memoli a Happy Birthday which is coming up this Saturday.

Mr. Acropolis commented that he would be remiss if he didn't thank the Authority and the members for the flowers and condolences on the passing of his mother. He was very thankful and noted that he would not expect anything less from the character of this group.

Mr. Bellu thanked all the Commissioners for allowing him to be the Chair again this year.

With no further business to come before the Board, a motion was made by Mrs. Clement and seconded by Mr. Bilotta to adjourn the meeting at 5:27 p.m. The motion was carried by unanimous voice vote.