

TOMS RIVER MUNICIPAL UTILITIES AUTHORITY

Meeting Number Twelve Hundred Twenty-seven

Agenda

February 25, 2020

The 2020 re-organization meeting of the Toms River Municipal Utilities Authority was held on Tuesday, February 25, 2020 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, Executive Director/Sec'y.-Treas.

James Gluck, Esquire, Counsel

Rosemary Rosetto, Chief Financial Officer

Nicholas Otten, Authority Engineer - Absent

Bernard Rutkowski, Regulatory Compliance/Safety Officer

Cindy Toye, Administrative Bookkeeping Specialist

Georgia Benyola, Executive Secretary/Assistant Sec'y.

The re-organization Meeting #1227 was called to order at 4:30 p.m., February 25, 2020 by Executive Director, Robert J. DiBiase. For the record, this is the re-organization portion of the meeting for 2020 as required under State statute. Every year we conduct a re-organization meeting within the month of February.

Mr. DiBiase, Executive Director, 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. Dr. Manforti, Mr. Bilotta, Mr. Montenegro, Mr. Valvano, Mrs. Clement, Mr. Siddiqui and Mr. Memoli were present.

Election of Officers for 2020

Chairman

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

Mr. Valvano nominated Carmen J. Memoli to serve as Chairman of the Board for 2020 and seconded by Mrs. Clement. A roll call vote was taken with Mr. Valvano, Mrs. Clement, Mr. Siddiqui, Mr. Montenegro and Mr. Memoli all casting affirmative votes

Vice-Chairman

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

Mrs. Clement nominated Tariq M. Siddiqui to serve as Vice-Chairman for 2020 and seconded by Mr. Valvano. A roll call vote was taken with Mrs. Clement, Mr. Valvano, Mr. Montenegro, Mr. Siddiqui and Mr. Memoli all casting affirmative votes.

Secretary-Treasurer

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

Mr. Siddiqui nominated Robert J. DiBiase to serve as Secretary/Treasurer for 2020 and seconded by Mr. Valvano. A roll call vote was taken with Mr. Siddiqui, Mr. Valvano, Mrs. Clement, Mr. Montenegro and Mr. Memoli all casting affirmative votes.

Assistant Secretary

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

Mrs. Clement nominated Georgia Benyola to serve as Assistant Secretary for 2020 and seconded by Mr. Valvano. A roll call vote was taken with Mrs. Clement, Mr. Valvano, Mr. Siddiqui, Mr. Montenegro and Mr. Memoli all casting affirmative votes.

Assistant Treasurer

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

Mrs. Clement nominated Rosemary Rosetto to serve as Assistant Treasurer for 2020 and seconded by Mr. Siddiqui. A roll call vote was taken with Mrs. Clement, Mr. Siddiqui, Mr. Montenegro, Mr. Valvano and Mr. Memoli all casting affirmative votes.

Appointment of Professionals

Mr. Memoli went on to address the appointment of professionals for year 2020 and asked for a motion for General Counsel. A motion was made by Mrs. Clement and seconded by Mr. Montenegro to award a professional contract to Gluck & Allen, LLC as General Counsel for year 2020 as presented in the resolution. A roll call vote was taken with Mrs. Clement, Mr. Montenegro, Mr. Siddiqui and Mr. Memoli all casting affirmative votes. Mr. Valvano abstained.

The next professional appointment was for Labor Counsel. A motion was made by Mrs. Clement and seconded by Mr. Valvano to award a professional contract to Citta, Holzapfel & Zabarsky as Labor Counsel for year 2020 as presented in the resolution. A roll call vote was taken with Mrs. Clement, Mr. Valvano, Mr. Montenegro, Mr. Siddiqui and Mr. Memoli all casting affirmative votes.

The next professional appointment was for Bond Counsel. A motion was made by Mrs. Clement and seconded by Mr. Valvano to award professional contracts for Bond Counsel Pool to the following firms for year 2020 as presented in the resolution:

- a. Hawkins, Delafield & Wood
- b. DeCotiis, Fitzpatrick, Cole & Giblin, LLP
- c. Gluck Walrath, LLP
- d. Wilentz, Goldman & Spitzer
- e. Parker McCay, P.A.
- f. Malamut Associates, LLC
- g. Waters, McPherson & McNeill

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

The next professional appointment was for Authority Auditor. A motion was made by Mr. Siddiqui and seconded by Mrs. Clement to award a professional contract to Holman, Frenia, Allison, P.C. for Auditing services for year 2020 as presented in the resolution. A roll call vote was taken with Mr. Siddiqui, Mrs. Clement, Mr. Montenegro, Mr. Valvano and Mr. Memoli all casting affirmative votes.

The next professional appointment was for Financial Consultants. A motion was made by Mrs. Clement and seconded by Mr. Valvano to award a professional contract to the following firms for Financial Consultants Pool for year 2020 as presented in the resolution:

- a. Acacia Financial Group
- b. Phoenix Advisors, LLC
- c. NW Financial Group, Inc.

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

The next professional appointment was for Underwriter Consultants. A motion was made by Mrs. Clement and seconded by Mr. Valvano to award a professional contract to the following firms for Underwriter Consultants Pool for year 2020 as presented in the resolution:

- a. Stifel Nicolaus & Company, Inc.
- b. NW Financial Group

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

The next professional appointment was for Consulting Engineers. A motion was made by Mr. Siddiqui and seconded by Mrs. Clement to award a professional contract to the following firms for Consulting Engineer Pool for year 2020 as presented in the resolution:

- a. Maser Consulting
- b. T&M Associates
- c. Remington, Vernick & Vena
- d. Owen Little & Associates
- e. D. Desmond Corp.
- f. Mott MacDonald
- g. VanClef Engineer
- h. PS&S
- i. Alaimo Group Consulting Engineers
- j. French & Parrello Associates
- k. CME Associates
- l. ARH Associates
- m. Morgan Engineering

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

The next professional appointment was for Risk Management Consulting Services. A motion was made by Mrs. Clement and seconded by Mr. Valvano to award a professional contract to Connor Strong & Buckelew for Risk Management Consultants for year 2020 as presented in the resolution. A roll call vote was taken with Mrs. Clement, Mr. Valvano, Mr. Montenegro, Mr. Siddiqui and Mr. Memoli all casting affirmative votes.

The next appointment was for Depository Institutions. A motion was made by Mr. Valvano and seconded by Mrs. Clement to appoint Ocean First Bank as the only institution for Custodial Services for year 2020. A roll call vote was taken with Mr. Valvano, Mrs. Clement, Mr. Montenegro, Mr. Siddiqui and Mr. Memoli all casting affirmative votes.

Another motion was made by Mrs. Clement and seconded by Mr. Valvano to appoint the following Commercial Depository Institutions for year 2020 as presented below:

- Amboy National Bank
- Investors Bank
- TD Bank
- Bank of America
- JP Morgan Chase
- Wells Fargo Bank
- PNC Bank
- Provident Bank
- Santander Bank
- Lakeland Bank
- Ocean First Bank

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

Newspapers of Record

A motion was made by Mrs. Clement and seconded by Mr. Valvano to appoint the official newspapers of record for year 2020 as presented in the resolution, Asbury Park Press, Star Ledger, Ocean Signal. A roll call vote was taken with Mrs. Clement, Mr. Valvano, Mr. Montenegro, Mr. Siddiqui and Mr. Memoli all casting affirmative votes.

2020 Annual Meeting Schedule

A motion was made by Mr. Valvano and seconded by Mrs. Clement to approve the Annual Meeting Schedule as presented for year 2020. A roll call vote was taken with Mr. Valvano, Mrs. Clement, Mr. Montenegro, Mr. Siddiqui and Mr. Memoli all casting affirmative votes.

2020 PACO Officer

A motion was made by Mr. Siddiqui and seconded by Mr. Valvano to designate Bernard Rutkowski as the 2020 Public Agency Compliance Officer for the Toms River Municipal Utilities Authority for a period of one year as presented in the resolution. A roll call vote was taken with Mr. Siddiqui, Mr. Valvano, Mrs. Clement, Mr. Montenegro and Mr. Memoli all casting affirmative votes.

2020 Emergency Purchasing Policy

A motion was made by Mr. Siddiqui and seconded by Mr. Valvano to adopt the Emergency Purchasing Policy, as presented in the resolution. A roll call vote was taken with Mr. Siddiqui, Mr. Valvano, Mr. Montenegro, Mrs. Clement and Mr. Memoli all casting affirmative votes.

Committee Appointments for 2020

Chairman Memoli presented the Commissioners with a list of his 2020 Committees. 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 – Ben Montenegro, Chair; Tariq Siddiqui, Alt
- Finance - Charles Valvano, Chair; Joseph Bilotta, Alt
- Personnel – Charles Valvano, Chair; Joseph Bilotta, Alt
- Engineering & Technology - Tariq Siddiqui, Chair; Deborah Clement, Alt
- Liaison to Township – Carmen Memoli, Chair; Deborah Clement, Alt
- User Charge – Ben Montenegro, Chair; Charles Valvano, Alt
- Land – Deborah Clement, Chair; Dr. Al Manforti, Alt
- AD HOC/Union Contracts – Deborah Clement, Chair; Carmen Memoli, Alt
- Regionalization - Tariq Siddiqui, Chair; Dr. Al Manforti, Alt

Minutes of Meetings for Approval

A. Meeting #1226

January 28, 2020

New Submission

A motion was made by Mr. Valvano and seconded by Mr. Siddiqui to approve the minutes of Meeting #1226, January 28, 2020 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 \$3,435,148.77. A roll call vote was taken with Mr. Siddiqui, Mr. Montenegro, Mrs. Clement, Mr. Valvano, with the exception of Gluck & Allen, LLC, and Mr. Memoli all casting affirmative votes.

Additional Disbursements

A motion was made by Mr. Valvano and seconded by Mr. Montenegro to approve payment of the additional items as listed in the amount of \$750.13. A roll call vote was taken with Mr.

Valvano, Mr. Montenegro, Mr. Siddiqui, Mrs. Clement and Mr. Memoli all casting affirmative votes.

Trust Fund for Contracts

A motion was made by Mrs. Clement and seconded by Mr. Valvano to approve the releases from the Trust Fund for Contracts as listed in the amount of \$14,382.08. A roll call vote was taken with Mrs. Clement, Mr. Valvano, 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. Montenegro, Mr. Siddiqui and Mr. Memoli all casting affirmative votes.

Finance & Investments: 6G

The Finance Committee is still in process of evaluating what type of borrowing they can do on small capital expenses. Mr. Valvano noted that will be a work in progress.

Mr. Valvano made a motion, seconded by Mrs. Clement, to reinvest the available funds of \$32,175.76 into the Ocean First Trust Custodial Account. A roll call vote was taken with Mr. Valvano, Mrs. Clement, Mr. Siddiqui, Mr. Montenegro 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

A motion was made by Mrs. Clement and seconded by Mr. Valvano to approve the tent/final application for Sub Division #D-1052. A roll call vote was taken with Mrs. Clement, Mr. Valvano, Mr. Siddiqui, Mr. Montenegro and Mr. Memoli all casting affirmative votes.

Another motion was made by Mrs. Clement and seconded by Mr. Valvano to approve the preliminary application for Sub Division #D-1061. A roll call vote was taken with Mrs. Clement, Mr. Valvano, Mr. Montenegro, Mr. Siddiqui and Mr. Memoli all casting affirmative votes.

Authority Meeting

The next Authority meeting was confirmed for Tuesday, March 24, 2020 at 4:30 p.m.

Adoption of Resolutions/Capital Purchases

9A-2A – There were no IPC Purchases for Ratification.

9A-3 - A motion was made by Mr. Siddiqui and seconded by Mr. Valvano authorizing the Qualified Purchasing Agent (QPA) to advertise for the receiving of Bids for the On-Call Paving Program, Contract No. TRMUA 2-20. A roll call vote was taken with Mr. Siddiqui, Mr. Valvano, Mr. Montenegro, Mrs. Clement and Mr. Memoli all casting affirmative votes.

A motion was made by Mrs. Clement and seconded by Mr. Valvano approving the following resolutions, 9A-4 through 9A-9 as follows:

9A-4 - Authorization was given for a shared services agreement between Toms River Municipal Utilities Authority and Beachwood Sewerage Authority; and

9A-5 - Authorization was given for a shared services agreement between Toms River Municipal Utilities Authority and South Toms River Sewerage Authority; and

9A-6 - Authorization was given for a shared services agreement between Toms River Municipal Utilities Authority and Lakewood Municipal Utilities Authority; and

9A-7 - Authorization was given for a shared services agreement between Toms River Municipal Utilities Authority and Lacey Township Municipal Utilities Authority; and

9A-8 - Authorization was given for a shared services agreement between Toms River Municipal Utilities Authority and the Borough of Ocean Gate; and

9A-9 - Authorization was given for a shared services agreement between Toms River Municipal Utilities Authority and Toms River Parking Authority.

A roll call vote was taken with Mrs. Clement, Mr. Valvano, Mr. Siddiqui, with the exception of Toms River Parking Authority, Mr. Montenegro and Mr. Memoli, with the exception of Toms River Parking Authority, all casting affirmative votes.

Unfinished Business

At the last meeting, there was a discussion regarding toughbooks vs. laptops. Mr. DiBiase wanted the Board to feel what we are dealing with when they see the difference between the toughbooks and the service pro. The toughbooks are twice the amount with hardened military grade. Their durability stands up well and they interface well with the GIS. The toughbooks are also mounted in the trucks so that they won't fall on the floor which could cause accidents. Panasonic builds these toughbooks with a 3 year warranty. Mr. DiBiase noted that there is no comparison when military toughbooks vs service pros. The Authority has been buying these toughbooks since 2006.

Committee Reports

Legal

1. Shared Services – Counsel wanted to point out in Mr. Otten's report that he mentioned the development in Jackson. He mentioned flows and how they had increased and how there had been numerous connection fees but they were not collected by us because Jackson had waived connection fees and with the agreement we had with Jackson, we should have gotten 50% of the fees they actual collected, so if they waived the fees, it's not considered collected fees. Mr. Siddiqui was going to reach out to them but was out. If he doesn't get it from them this time, he will give it to Counsel. It could be that they may be waiving them because they are non-profit; however, Mr. Gluck feels that someone should take a look at it. Jackson MUA reported 131 connected homes as contributing to TRMUA; however, 41 of those homes have had connection fees waived by Jackson MUA and thus as per agreement, TRMUA has not collected connection fees for those 41 homes. Mr. Gluck wants to make clear who is taking the responsibility whether it's them, Mr. Otten, Mr. Siddiqui or Mr. DiBiase.

2. Along the same lines, Counsel was contacted by an attorney who is a developer of a large project at the corner of Whitty and Route 9, who asked a similar question if we would be willing to waive the connection fees for the low and moderate income housing that's going in there. Mr. Gluck told him that the Authority did not have a history of doing that and it's not permitted under the statute. The Board was not likely to engage.

3. Litigation Pitale/Lavallette – Counsel stated that the Pitale litigation is going to depositions next week or week after. Mr. Rutkowski is scheduled there along with other representatives. Counsel noted that this was the Lavallette case where we had nothing to do with that incident but hopefully they will conduct this last round of depositions so that Counsel can file their second summary judgement motion.

4. Earle Asphalt - Counsel will discuss in executive session.

5. Counsel stated that they did not received any tort notices or any new law suits this month.

At this time, Mr. DiBiase asked Chairman Memoli if the Legal Committee Chair should have a meeting with them to discuss the accuracy of the billing program because Mr. DiBiase feels that when we go forward, especially when we start billing water usage in July, we might run into some issues. Chairman Memoli brought up that Mr. Montenegro and Mr. Siddiqui will be in the Legal Committee this year. Historically, not much was involved. Chairman Memoli would like some involvement and he knows that both Mr. Siddiqui and Mr. Montenegro would like to be informed with the engineering and building projects. Mr. Siddiqui stated that he would be satisfied with construction contracts and building projects. Counsel suggested they take minutes of the meetings and share them with others if so needed.

Engineering

Mr. Siddiqui noted that the Engineering Committee was cancelled, as Mr. Otten was not available.

Mr. Siddiqui wanted Mr. Otten to prepare for the February meeting by making lists of priorities to discuss the details for the projects so that they can bring it to the Board for approval. Mr. Otten however was not available but his rehabilitation/construction report was in priority order showing approximately \$9M. Mr. Otten also had his equipment procurement list but the priority order was not yet determined. Mr. Siddiqui also mentioned a third group with projects that need to be done but not urgent, such as 42-48 in pipes. Mr. Siddiqui pointed out that if we get \$10M to spend, we now have to pay it back.

Regionalization

Mr. Siddiqui stated that there was not much to say since they had already approved the shared services agreements and also discussed certain issues with Brick Township, Island Heights and a couple of others. Mr. Gluck noted that he failed to mention in his report that he called Mr. Zabarsky's office and emailed him but has not heard from him yet.

Land Use

None

Personnel

As for the Table Organization Chart that was submitted to the Board, Mrs. Clement, along with the Chairman, chose to table this until next month, since there wasn't much time to review and discuss it this evening. The Board agreed. Chairman Memoli will discuss all other personnel in executive session.

Public Comments

Chairman Memoli opened the meeting to comments from the Public. Mrs. Rosetto stated that she didn't know who did it but she was on the street she normally cuts thru and saw that the holes been filled, making it much easier to drive. She didn't know who to thank so she happily thanked everyone.

In lieu of Mrs. Rosetto's comments, Mr. DiBiase noted that we now have a camera that stays on the intersection permanently. With seeing no other public for comments, Chairman Memoli closed the public portion of the meeting.

Correspondence

Mr. DiBiase received a letter from the Association Environmental Authorities that Toms River Municipal Utilities Authority is going to receive an award on March 11, 2020 for the Best Management Practices category.

Resolution to Enter Executive Session

A motion was made by Mrs. Clement and seconded by Mr. Montenegro to adopt the resolution to enter Executive Session at 5:23 p.m. to discuss personnel matters, litigation and contractual matters. The motion was carried by unanimous voice vote.

Public Session Reconvened at 6:39 p.m.

With no further business to come before the Board, a motion was made by Mrs. Clement and seconded by Mr. Montenegro to adjourn the meeting at 6:39 p.m. The motion was carried by a unanimous voice vote.