

TOMS RIVER MUNICIPAL UTILITIES AUTHORITY

Meeting Number Twelve Hundred Twenty-nine

Agenda

April 28, 2020

The regular meeting of the Toms River Municipal Utilities Authority was held on Tuesday, April 28, 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, Ex. Director/Sec’y.-Treas.

James J. Gluck, 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.- absent

Meeting #1229 was called to order at 4:30 p.m., April 28, 2020 by Chairman Memoli.

Mr. DiBiase, 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.

Mr. DiBiase 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 #1228 - March 24, 2020 - New Submission

A motion was made by Mrs. Clement and seconded by Mr. Valvano to approve the minutes of Meeting #1228 March 24, 2020 as written. A roll call vote was taken with Mrs. Clement, Mr. Valvano, Mr. Montenegro, Mr. Siddiqui and Mr. Memoli all casting affirmative votes.

A motion was made by Mrs. Clement and seconded by Mr. Siddiqui to approve Executive Session. Chairman Memoli, after reading the minutes, felt that there were some items that should have been added and suggested that they be reviewed again to make sure that items such as qualifications, tasks, duties, etc. are noted. Mrs. Clement moved to have the minutes of the Ex. Session #1228, seconded by Mr. Siddiqui, tabled for a future meeting. A roll call vote was taken with Mrs. Clement, Mr. Siddiqui, Mr. Montenegro, Mr. Valvano and Mr. Memoli all casting affirmative votes.

Disbursements

A motion was made by Mr. Valvano and seconded by Mr. Siddiqui to approve payment of the disbursements as listed in the amount of \$1,053,233.43. A roll call vote was taken with Mr. Valvano, Mr. Siddiqui, Mr. Montenegro, Mrs. Clement and Mr. Memoli all casting affirmative votes.

Additional Disbursements

There were no additional disbursements listed.

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

Mr. Valvano spoke with CFO, Mrs. Rosetto, and she pointed out that the money market account at the Lakeland Bank was lowered to 0.3%. Mr. Valvano believed that it was at 1.25% at the time. With the Federal Reserve rates being basically at zero, Mr. Valvano mentioned that personal accounts have also gone down. Chairman Memoli suggested that Mr. Valvano contact the bank and ask them for the 1.25%. Mr. Valvano also mentioned that last month the Board approved the resolution for the Windsor Avenue sink-hole disaster for \$1,000,000. Mr. Valvano noticed that the resolution in the packet for this month had been revised to \$1,600,000, which will be discussed at that point in the agenda.

A motion was made by Mr. Valvano and seconded by Mrs. Clement to reinvest the available funds of \$30,928.58 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 Mrs. Clement and seconded by Mr. Montenegro that the operating reports 7A-7G were accepted as presented. A roll call vote was taken with Mrs. Clement, Mr. Montenegro, Mr. Valvano, Mr. Siddiqui 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, May 26, 2020 at 4:30 p.m.

Adoption of Resolutions/Capital Purchases

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

9A-3 - Resolution – Montana Construction

A motion was made by Mr. Siddiqui and seconded by Mr. Valvano to authorize the amendment for the \$1,600,000. Counsel asked if there was any discussion for the motion on the table. Mr. Siddiqui commented that they should wait for the contractor to give them the final numbers and at that time, they can review again and prepare the correct resolution. Mr. DiBiase also mentioned that they already have a resolution from the last meeting for \$1,000,000. Mrs. Clement mentioned that the CFO will have to verify the funds also. The Board decided to table this resolution until the final numbers come in. A roll call vote was taken with Mr. Siddiqui, Mr. Valvano, Mr. Montenegro, Mrs. Clement and Mr. Memoli all casting affirmative votes. The Chairman noted that when the final numbers do come in, send copies to Mr. Siddiqui and Mrs. Clement. Mr. Siddiqui and Mrs. Clement are also concerned about daily equipment use and labor, as they will compare both Montana's reports with the Authority's daily inspectors' reports.

9A-4 - Discussion - Inter-Local Service Agreement-Borough of Seaside Heights

Mr. Gluck mentioned that they just became aware of this Inter-Local when they got the packet and would like to pull this out of the Agenda, as it needs to be discussed and reviewed with both the Borough and the TRMUA. Mr. Siddiqui noted that OCUA also needs to be informed.

Unfinished Business

None at this time.

Committee Reports

Legal

1. Mr. Gluck stated that they are continuing to defend the Pitale law suit up in Lavallette. Nothing further to report, everything has been on hold since COVID-19.

2. Counsel stated that they have spoken about the Windsor Avenue Project already in detail, no need to go any further on that.

3. Mr. Otten and Counsel had some discussions this month with regards to certain developers that were requesting relief from payment on all of their fees that were due and owing to the Authority for connection fees. They wanted to try and get some sort of payment plan and Counsel indicated to Mr. Otten that the past practice of the Authority was not to grant that in these particular applications. They had discussions about when in the past the Authority may have been able to grant phases of payment for those connections fees; however, this plan did not fit in that exception. Counsel advised Mr. Otten that he was correct taking a stance with the developer, who Counsel understands is calling multiple people within the Authority. Counsel will see if it gets any further then that or if the developer will drop it and move on.

4. Counsel completed the NJIB Funding Bond Package coordinating that with all the signatures with the help of Mr. DiBiase. They got it done in a timely manner and sent it to Bond Counsel for them to move forward for the closing.

5. Counsel is continuing to work on the Island Heights Inter-local Shared Services Agreement. There is some nudging going on through several different facets with their governing body and their Council. Counsel noted that they are making some progress.

6. Counsel completed the review and revisions to the Berkeley Township Sewerage Authority Shared Services Agreement, which has gone out to their Council for review.

7. Counsel stated that he had no further items to discuss and no agenda items needed to enter executive session at this time.

Engineering

Mr. Siddiqui had an Engineering Committee meeting yesterday and they talked extensively about the Windsor project. Since the Board already had another discussion earlier in the meeting today, there was no reason to go over it again, Mr. Siddiqui passed. Mr. Siddiqui mentioned that Mr. Otten's report was informative but there was nothing significant that he had to reiterate. Mrs. Clement and Mr. Otten asked for details on the new projects for NJIB and Mrs. Clement also asked that they should have a meeting with our own Finance people.

Regionalization

None

Land Use

None at this time.

AD Hoc/Union Contract

Chairman Memoli brought up the Union agreement that expired at the end of 2019. He asked Mr. DiBiase to start up with the Union again since Patrick Guaschino is making the effort to sit with our group, our previous Union Rep is not returning. A meeting will be held in the Conference Room sometime next month with social distance spacing.

Personnel

Today Mr. Valvano had a personnel meeting. A conference call was made with the Director, Mr. Valvano and Mr. Bilotta. There were three items they spoke about but before starting, Mr. Valvano wanted to remind everyone that the Executive Director sent out an email concerning the training that they were not able to get from Mr. Avalone. If they complete the new web training, they will get the \$250.00 per trainee off from the Authority's insurance premium. Mr. Valvano had completed his training and his advice was to wear your eye glasses, which will make it easier and clearer to see the website properly. Back to the three items.

The first item, Mr. Valvano spoke about the COVID-19 issue. The Executive Director said that he and all management at the Authority are adhering to every recommendation and mandate. Mr. Valvano stated that the Authority is doing everything that we are required to do from the State of New Jersey and the Governor.

Secondly, Mr. Valvano stated that there was an anniversary achieved by an employee and their supervisor recommended that he get the full title of Line Maintenance Operator.

Finally, the potential changes to the TO Chart was sent to Labor Counsel to review and look at the legality of the items. When the report gets back to Chairman Memoli, the Personnel Committee will have another discussion as to agreeing, not agreeing or there will not be any changes. Mr. Valvano reiterated to the Commissioners that nothing had or will be decided upon, until the report comes back from Labor Counsel.

Chairman Memoli stated that not all Commissioners had a copy of the TO Chart when it was mentioned three months ago. The Board tabled it due to the fact that they did not have the time to review it then. Mr. DiBiase will send all the Commissioners the proposed TO. Mrs. Clement asked Mr. DiBiase to send both the current and the proposed TO.

Mr. DiBiase also mention that the billing department, with several others, will start to condition the lobby to abide by the social distance spacing, ropes, plexi-glass, etc. as needed, if and when the lobby opens.

Public Comments

Chairman Memoli opened the meeting to comments from the Public. Counsel asked the Executive Director if anyone contacted this office for any links to this meeting or email any questions or requests to participate in this meeting in anyway. The Director answered no. With no further comments, Chairman Memoli closed the public portion of the meeting.

Correspondence

Chairman Memoli wanted to remind the Board to complete their financial disclosure forms which are due April 30, 2020. Mr. Gluck mentioned that the financial disclosure forms have been extended and he will send email to the Commissioners and others, if needed.

Resolution to Enter Executive Session

No executive session was held.

Adjournment

Chairman Memoli welcomed Joseph D. Coronato as our Conflict Counsel. 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 5:13 p.m. The motion was carried by a unanimous voice vote.