

TOMS RIVER MUNICIPAL UTILITIES AUTHORITY

Meeting Number Twelve Hundred Thirty-two

Agenda

July 28, 2020

The regular meeting of the Toms River Municipal Utilities Authority was held on Tuesday, July 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 or were on conference call (as directed by NJ Governor's Executive Order #107 due to COVID19):

Carmen J. Memoli, Chairman – conference room
Joseph D. Coronato, Esq.
Tariq M. Siddiqui, Vice-Chairman – conference room
Daniel Leone, Esq.
Deborah L. Clement, Commissioner – conference room
Charles S. Valvano, Commissioner – conference room
Ben A. Montenegro, Commissioner – conference room
Joseph G. Bilotta, Alt. Commissioner – conference room
Dr. Alfonso J. Manforti, Alt. Commissioner – conference room
Robert J. DiBiase, Executive Director/Sec'y.-Treas. – conference room
James Gluck, Esquire, Counsel – conference room
Rosemary Rosetto, Chief Financial Officer – conference room
Nicholas Otten, Authority Engineer – conference room
Bernard Rutkowski, Regulatory Compliance/Safety Officer – conference line
Cindy Toye, Administrative Bookkeeping Specialist - conference line
Georgia Benyola, Executive Secretary/Assistant Sec'y. – conference line

Meeting #1232 was called to order at 4:30 p.m., July 28, 2020 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.

After the Flag Salute, Chairman Memoli asked everyone to remain standing for a moment of silence for Joseph Young, our Buildings & Grounds Supervisor was recently passed.

Ms. Benyola called the roll. Dr. Manforti, Mr. Bilotta, Mr. Montenegro, Mr. Valvano, Mrs. Clement, Mr. Siddiqui and Mr. Memoli were present.

2019 Audit-Resolution/Group Affidavit

A motion was made by Mr. Valvano and seconded by Mrs. Clement to accept the 2019 Audit. A roll call vote was taken with Mr. Valvano, Mrs. Clement, Mr. Montenegro, Mr. Siddiqui and Mr. Memoli all casting affirmative votes. The Board Commissioners will certify by

Resolution, and upon their oath, sign the Group Affidavit stating that each member has personally reviewed the annual audit report which will be sent to the Local Finance Board.

Minutes of Meetings for Approval

A. Meeting #1231 - June 23, 2020 - New Submission

A motion was made by Mr. Siddiqui and seconded by Mr. Montenegro to approve the minutes of Meeting #1231 June 23, 2020 as written. Dr. Manforti made a correction on the minutes, as far as attendees, which will be corrected immediately after this meeting. A roll call vote was taken with Mr. Siddiqui, Mr. Montenegro, Mr. Valvano, Mrs. Clement 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 \$ 711,276.24. A roll call vote was taken with Mr. Valvano, Mr. Siddiqui, Mrs. Clement, Mr. Montenegro and Mr. Memoli all casting affirmative votes.

Additional Disbursements

A motion was made by Mr. Valvano and seconded by Mr. Siddiqui to approve payment of the additional disbursements as listed in the amount of \$2,228.24. A roll call vote was taken with Mr. Valvano, Mr. Siddiqui, Mr. Montenegro, Mrs. Clement and Mr. Memoli all casting affirmative votes.

Trust Fund for Contracts

A motion was made by Mr. Valvano and seconded by Mr. Montenegro to approve the release from the Trust Fund for Contracts as listing in the amount of \$6,891.00. A roll call vote was taken with Mr. Valvano, Mr. Montenegro, Mr. Siddiqui, Mrs. Clement and Mr. Memoli all casting affirmative votes.

Ratification of Investment & Transfer Resolutions

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

Financial Reports

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

Finance & Investments: 6G

Mr. Valvano mentioned that NJIB will no longer accept checks, everything will have to be done by bank wire. Mr. Valvano also had some good news. We received from the NJIB over \$1.381 million.

This was the expense from Montana Construction concerning the Windsor Avenue sink-hole. This will be paid back but it's good news and helps with our cash flow.

Concerning 6G, a motion was made by Mr. Valvano and seconded by Mrs. Clement to reinvest the available funds of \$103,190.82 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 Mr. Siddiqui and seconded by Mrs. Clement to approve the final application for Sub Division #D-1058, Brookside Homes. A roll call vote was taken with Mr. Siddiqui, Mrs. Clement, Mr. Montenegro, Mr. Valvano and Mr. Memoli all casting affirmative votes.

A motion was also made by Mrs. Clement and seconded by Mr. Valvano to approve the tentative application for Sub Division #D-1059, Marriott Hotel & Restaurant. A roll call vote was taken with Mrs. Clement, Mr. Valvano, Mr. Siddiqui, Mr. Montenegro and Mr. Memoli all casting affirmative votes.

Authority Meeting

The next Authority meeting was confirmed for Tuesday, August 25, 2020 at 4:30 p.m. in the TRMUA Conference Room according to social distancing.

Adoption of Resolutions/Capital Purchases

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

9A-3 - Resolution – Shared Services – TRMUA & Borough of Seaside Heights

A motion was made by Mr. Siddiqui and seconded by Mrs. Clement authorizing a Shared Services Agreement between the Toms River Municipal Utilities Authority and the Borough of Seaside Heights. The Executive Director is hereby authorized to execute and the Assistant Secretary to attest to a Shared Services Agreement, which shall be attached hereto and made a part hereof, between the Toms River Municipal Utilities Authority and the Borough of Seaside Heights. A roll call vote was taken with Mr. Siddiqui, Mrs. Clement, Mr. Valvano, Mr. Montenegro and Mr. Memoli all casting affirmative votes.

9A-4 – Resolution – 1 year Extension Awarded to Quicklock Repair Clamps

A motion was made by Mrs. Clement and seconded by Mr. Valvano awarding a second year to Pipeline Renewal Technologies, 111 Canfield Avenue, Randolph, NJ 07869 with a maximum not to exceed \$254,680.25. A roll call vote was taken with Mrs. Clement, Mr. Valvano, Mr. Montenegro, Mr. Siddiqui and Mr. Memoli all casting affirmative votes.

9A-5 - Resolution – Member Participation in Co-Operative Purchasing System

A motion was made by Mr. Montenegro and seconded by Mr. Valvano authorizing that the Buy Board National Purchasing Cooperative Systems to purchase goods and services. Authorization was also given to Executive Director to enter into agreement. A roll call vote was taken with Mr. Montenegro, Mr. Valvano, Mrs. Clement, Mr. Siddiqui and Mr. Memoli all casting affirmative votes.

9A-6 – Resolution – Amending Emergency Sewer & Roadway Repairs to Montana

A motion was made by Mr. Siddiqui and seconded by Mr. Valvano amending the resolution awarding a contract for emergency sewer & roadway repairs to Montana Construction Corporation, Inc. 3388 Route 22 West, Lodi, NJ 07644, to an amount not to exceed \$1,423,559.85. The Executive Director took a moment to summarize the amended resolution in case there were any questions. A roll call vote was taken with Mr. Siddiqui, Mr. Valvano, Mrs. Clement, Mr. Montenegro and Mr. Memoli all casting affirmative votes.

Unfinished Business

A letter was sent last month from one of our ratepayers who has a fitness gym in Toms River asking for a reduction in his rates. The Director had explained the situation to both the Board and Counsel. In the interim, a law was passed by the assembly and it addressed this situation but it was not direct. It was left up to the discretion of the commission. Executive orders were to shut down gyms. The Chairman stated that we are a non-profit agency and cannot do this on a case by case scenario unless it becomes a government law and the Governor states that it's mandatory. The Board agreed with Chairman Memoli.

Chairman Memoli gave the floor to James Gluck to speak before starting the Committee Reports. It is with mixed emotions regarding Counsel's position as General Counsel at the Toms River Municipal Utilities Authority, Mr. Gluck advised everyone at the meeting that he had been appointed by the Toms River Township Council as the Chief Municipal Judge of the Municipal Court. As such, Mr. Gluck will no longer be able to serve in his position as General Counsel, thereby tendered his resignation effective July 31, 2020 at 5:00pm., which will be confirmed in writing. It was Mr. Gluck's honor and privilege to have held this position for the past seventeen years and during this tenure, had seen many changes at the Authority and many significant events and unprecedented challenges over the years.

Mr. Gluck also stated that it's a great opportunity to have Mr. Coronato come in. He's well suited to take this over. Mr. Gluck couldn't thank the Board enough for the years of confidence and trust that he was given. The Commissioners and Staff attending were sorry to see him go, however, all were extremely happy congratulating him with best wishes on his new journey.

Dan Leone also echoed some of Jim's sentiments. Dan stated that he's only been working with Jim for 5 years and it's been a pleasure working with all of us during those years.

Committee Reports

Legal

1. Mr. Leone stated that the MEL has come out with a new EPL, a personnel policy and employee handbook. It's a total revamp of years past. Mr. Leone and Mr. Rutkowski have looked at it and Mr. Leone will also send it to Mr. Coronato to review and see what needs to be done. Mr. Leone said it's a nice revamp and he knows they have spent two years putting this together, so it's something he would recommend to the MUA. It is a risk controlled program that will require certain milestones are met.

2. On the Shared Services Agreement, Mr. Leone was happy to report that Island Heights approved the agreement. The Deputy Clerk and the Mayor will be signing it tomorrow and sending the agreement to Mr. DiBiase to sign. This shared services agreement is done for the next five years.

3. Regarding the Brick Township MUA, Mr. Leone reviewed the request from the BTMUA. He approved the data but there was a discrepancy with some insurance language that had to be ironed out. Counsel stated that the issues were sorted out and the proposed language was sent to the BTMUA for approval. Counsel expects to hear back from their Counsel this week.

4. The Commissioners have already approved the Seaside Heights agreement.

5. Mr. Leone said they have a few other agreements that they have been working on right now:

a) Toms River Parking Authority - Mr. Leone reached out to TRPA over the course of 3-4 months and it was confirmed that they intend on moving forward, however, they have not received documents supporting same.

b) Berkeley Township SA – Mr. Leone noted that this agreement expires in November 2020. Mr. Otten is preparing comments for the agreement to see what needs to be updated within the sanitary sewer agreement.

c) Toms River Fire District #1 – Mr. Leone noted that the TRFD1 reached out to the TRMUA to renew the fuel dispensation agreement. TRMUA and TRFD1 are currently under an agreement which

expires in 2023. The Agreement also has a 5-year option to renew. This agreement shall not be anyone's concern right now.

6. All other shared services agreements are in full force. Mr. Leone will provide statuses to Mr. Coronato's office, so he'll know where to go in the future.

7. On-Call Paving Contract – Mr. Leone's office reviewed the bid proposals for this project and prepared the award letter and resolution. (Public Works Projects)

8. Maintenance Bonds Expiration Dates – The following maintenance bonds are set to expire in the upcoming months: (Public Works Projects)

- a) Force Main Rehab Contract #SR-03-09B on August 3, 2020.
- b) Restoration of Sewer Access Road on August 28, 2020.
- c) Main Facility Roof Canopy Structure on September 18, 2020.
- d) 2017-2018 On-Call Paving Project RPR-17-18 on December 21, 2020.

9. Route 9 Whitty Road Project – Mr. Gluck received a letter from John Paul Doyle regarding this project. Mr. Doyle requested a reduction for sewer connection fees because the project has inclusionary units. They are requesting a credit for the connection fees for their inclusionary units per P.L. 2018, Chapter 74. As you may recall, we dealt with this similar issue for the Gabrielle Run inclusionary development. A copy of this letter was forwarded to Mr. Otten and Mr. DiBiase. (Inclusionary Projects).

10. Counsel mentioned that we have not been sued this month to their knowledge.

Engineering

Mr. Siddiqui did not have a Committee meeting this month.

Land Use

None at this time.

Personnel

Discussion to be held in executive session.

AD HOC-UNION Contract

Negotiations are still in progress.

Public Comments

Chairman Memoli opened the meeting to comments from the Public. With no further comments, Chairman Memoli closed the public portion of the meeting.

Correspondence

Mr. Rutkowski received a letter from one of our ratepayer from Elizabeth Avenue. She wished to convey her appreciation concerning the work performed at her location over the 4th of July weekend. She indicated how highly professional and polite our teams were and was great customer service they get from the MUA. Bill McDonald and William Schlacter will be commended for a good job done.

In conjunction with the Finance Report discussed earlier, the Executive Director stated he will be including in everyone's personnel file who were involved with the Windsor Ave project, (Finance and Engineering Committees, Nick Otten, Rosemary Rosetto, Mike Lee and associated staff) a letter outlining the ingenious and totally conscientious efforts of transferring the necessary funds from designated projects to offset expenditures in an emergency situation. The accomplishment was arduous because of innovative strategies that were not common practice when re-requisitioning state funds

Resolution to Enter Executive Session

A motion was made by Mrs. Clement and seconded by Mr. Valvano to adopt the resolution to enter Executive Session at 5:01 p.m. to discuss personnel matters, litigation/potential litigation and contractual matters. The motion was carried by unanimous voice vote.

Public Session Reconvened at 5:40

Back in public session, Mr. Valvano made a motion, seconded by Mr. Montenegro, to advertise the foreman's position for Buildings & Grounds for the hiring. A roll call vote was taken by Mr. Valvano, Mr. Montenegro, Mr. Siddiqui, Mrs. Clement and Mr. Memoli all casting affirmative votes.

Mr. Valvano also made a motion, seconded by Mr. Siddiqui, to hire Joseph Taillacq as a Line Maintenance Operator. A roll call vote was taken by Mr. Valvano, Mr. Siddiqui, Mr. Montenegro, Mrs. Clement and Mr. Memoli all casting affirmative votes.

Mrs. Clement made a motion, seconded by Mr. Siddiqui, to hire Coronato Law, as the General Counsel for the Toms River Municipal Utilities Authority subject to our present Counselor, Mr. Gluck, taking on a new position in judicial law.

Adjournment

With no further business to come before the Board, a motion was made by Mr. Siddiqui and seconded by Mrs. Clement to adjourn the meeting at 5:45 p.m. The motion was carried by a unanimous voice vote.