

TOMS RIVER MUNICIPAL UTILITIES AUTHORITY

Meeting Number Twelve Hundred Thirty

Agenda

May 26, 2020

The regular meeting of the Toms River Municipal Utilities Authority was held on Tuesday, May 26, 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 line	Lauren Holman/HFA
Tariq M. Siddiqui, Vice-Chairman – conference line	Brian Waldron/HFA
Deborah L. Clement, Commissioner – conference line	
Charles S. Valvano, Commissioner – conference line	
Ben A. Montenegro, Commissioner – conference line	
Joseph G. Bilotta, Alt. Commissioner – conference line	
Dr. Alfonso J. Manforti, Alt. Commissioner – conference line	
Robert J. DiBiase, Executive Director/Sec'y.-Treas. – conference line	
James Gluck, Esquire, Counsel – conference line	
Rosemary Rosetto, Chief Financial Officer - – conference line	
Nicholas Otten, Authority Engineer – conference line	
Bernard Rutkowski, Regulatory Compliance/Safety Officer – conference line	
Cindy Toye, Administrative Bookkeeping Specialist – conference line	
<u>Georgia Benyola, Executive Secretary/Assistant Sec'y. – conference line</u>	

Meeting #1230 was called to order at 4:30 p.m., May 26, 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.

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

2A Audit Draft Review for 2019

Chairman Memoli introduced Lauren Holman and Brian Waldron, from Holman Frenia Allison, who proceeded to present the 2019 audit draft. Mrs. Holman noted that they are still waiting for the GASB68 report from the State. Once they are released from the State of New Jersey, they will adjust the numbers to the draft audit and re-submit. Mrs.

Holman stated that the Authority had another clean audit this year. Both Mrs. Holman and Mr. Waldron mentioned that they always receive complete cooperation from all the Authority employees.

Minutes of Meetings for Approval

A. Meeting #1229 - April 28, 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. Counsel asked if the minutes can be amended to reflect that the meeting was held virtually through Zoom so that anyone reading the copy paper will know how it was presented. A roll call vote was taken with Mrs. Clement, Mr. Valvano, Mr. Montenegro, Mr. Siddiqui and Mr. Memoli all casting affirmation votes.

Disbursements

A motion was made by Mrs. Clement and seconded by Mr. Siddiqui to approve payment of the disbursements as listed in the amount of \$3,652,499.80. A roll call vote was taken with Mrs. Clement, Mr. Siddiqui, Mr. Montenegro, Mr. Valvano 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 stated that Mrs. Holman did a fantastic job with the audit. Mr. Valvano wanted to compliment everyone for helping to reduce our expenses and build up our reserves.

A motion was made by Mr. Valvano and seconded by Mrs. Clement to reinvest the available funds of \$35,695.69 into the Ocean First Trust Custodial Account. A roll call vote was taken with Mr. Valvano, Mrs. Clement, Mr. Montenegro, Mr. Siddiqui 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

An amended motion was made by Mrs. Clement and seconded by Mr. Valvano to approve the tentative and final application for Sub-Division D-1056, Stone Hill Estates at Smith Road & Lakehurst Road. 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, June 23, 2020 at 4:30 p.m.

Adoption of Resolutions/Capital Purchases

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

9A-3 - Resolution – On-Call Roadway Contract

A motion was made by Mr. Siddiqui and seconded by Mr. Montenegro to authorize a 90 day extension of the 2019-2020 On-Call Roadway Contract Restoration Pavement Project to allow for the bid of the 2020-2021 contract for Johnson-Baran Corp. A roll call vote was taken with Mr. Siddiqui, Mr. Montenegro, Mr. Valvano, Mrs. Clement and Mr. Memoli all casting affirmative votes.

9A-4 - Resolution – Contract SR-01-16C –En 3Tech Corp.

A motion was made by Mr. Montenegro and seconded by Mrs. Clement to authorize Change Order No.1-Final for Contract SR-01-16C. issued to En Tech Corp. and be decreased by \$77,029.87 and the Contract be commensurately decreased from \$1,528,691.00 to \$1,451,661.13. A roll call vote was taken with Mr. Montenegro, Mrs. Clement, Mr. Valvano, Mr. Siddiqui and Mr. Memoli all casting affirmative votes.

9A-5 - Approval of Appropriation Transfer

A motion was made by Mrs. Clement and seconded by Mr. Valvano authorizing the appropriation transfers for \$25,000.00 be made to the approved 2020 budget. A roll call vote was taken with Mrs. Clement, Mr. Valvano, Mr. Montenegro, Mr. Siddiqui and Mr. Memoli all casting affirmation votes.

Unfinished Business

There may be a discussion in Ex. Session.

Committee Reports

Legal

1. Mr. Gluck stated that this Thursday they are having their arbitration on the Pitale vs the TRMUA and Lavallette case. Counsel stated that they have not voluntarily let them out of the case and the summary judgement motion was denied early on in that matter. Hopefully, they will get a no cause finding this Thursday and will keep everyone abreast.

2. Counsel stated that he checked their tickler file and also checked with Mrs. Rosetto but they never received the settlement checks from Earle Asphalt. Counsel reminded them that the settlement is still outstanding but his counsel replied that they hadn't been out due to COVID-19, even though they were seen paving all over town.

3. All the bid documents were received from Mr. Otten. Counsel will have quite a few bids to review.

4. Counsel stated that Toms River District #1 have come to an agreement for the renewal of the fuel which was signed off by Joe Young. Mr. DiBiase received one as well to make sure they both agree.

5. The Borough of Island Heights Shared Services Agreement has now been handed off from Steve Zabarsky to one of his Associates, Mr. Barry, who has many questions. Dan Leone and Barry have been working together, Barry asks the questions and Dan has been asking the staff at the MUA for the

answers to those questions. They are also interested in entering into an agreement for emergency services as well. Mr. Leone drafted a sample agreement and sent it to their attorney to review.

6. Berkeley Township Sewerage Authority Shared Services Agreement is up for renewal in November, 2020. Counsel completed the review and revisions and sent it to Mr. Otten for comment. They expect to bring it up on the agenda sometime in the summer so that they can be ready to renew in November.

7. As for The Brick Township MUA Agreement, they are in the process of reviewing that as well. Counsel is waiting for their comments to come back.

8. The Seaside Heights Agreement for the O'Grady's Beach House, LLC, the one that Mr. Otten provided for us last month, has been reviewed and revised by Counsel. Mr. Gluck sent the agreement over to one of their attorneys, Robin LaBue, for her review and comment. Mr. Siddiqui noted that any agreement with them, they will also have to include the approval of the OCUA.

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

10. No further questions were asked and Counsel stated that he had no items for executive session.

Engineering

Mr. Siddiqui had an Engineering Committee meeting on May 22, 2020. Mr. Otten updated them with all the projects. Mr. Siddiqui wanted to touch on two projects. He mentioned that most of them had seen the email, which adds up to \$12M. The Audit Team is also involved and so is the Finance Committee, all trying to see what would be more beneficial for the Authority as to how we can afford, rate increase, etc. Mr. Siddiqui from the start, wanted to split the projects into three sections and see how they can prioritize the projects in stages. Chairman had concerns as to the fees getting higher if split. Mr. Valvano stated that Mr. Siddiqui is correct and the Audit Team is looking at what capital project can be afforded while keeping our finances in order. Mr. Siddiqui stated that money is available from the State even though the Director had concerns of continued availability of funds.

Regionalization

None

Land Use

None at this time.

Personnel

Mr. Valvano had a personnel meeting with the Executive Director, Mr. Bilotta and himself. A Line Maintenance Worker was promoted to Line Maintenance Operator on May 1, 2020 after completing his one year of training. Mr. Valvano did say that they will extend the time for the Workers to qualify for their CDL License, as the Motor Vehicle Commission has been closed due to the COVID-19. No fault to anyone.

The Toms River MUA is not having a summer schedule this year, it will be normal. Concerning COVID-19, the MUA is taking every precaution.

Mr. Valvano mentioned that there were some retirements, no names will be announced at this time. The individual with a C4 License is officially retiring on December 31, 2020 and the individual who is our QPA, Purchasing Agent, gave his two weeks' notice a few days ago. Additional information will be discussed in Executive Session.

Public Comments

Chairman Memoli opened the meeting to comments from the Public. Mrs. Rosetto commented that due to the COVID-19, there has been no traffic at the intersection. The Director noted that we did receive a report, through an engineering bid, that they are looking to do things in that area. With no further comments, Chairman Memoli closed the public portion of the meeting.

Correspondence

The Director stated that we have been sending letters out to educate our ratepayers not to use fabric wipe materials regardless of product labeling, as it could cause blockage and could ultimately lead to backup within their home. One of our ratepayers called the Better Business Bureau because he did not understand the process, so we educated the BBB in case he called them back.

Resolution to Enter Executive Session

A motion was made by Mr. Montenegro and seconded by Mr. Valvano to adopt the resolution to enter Executive Session at 5:25 p.m. to discuss personnel matters, litigation/potential litigation and contractual matters. The motion was carried by unanimous voice vote.

Public Session Reconvened at 6:23

Based upon the statements made by the Executive Director and the Chair in executive session, Mr. Valvano made a motion, seconded by Mrs. Clement, appointing Bernie Rutkowski to the position of Qualified Purchasing Agent for the Authority. Mr. Rutkowski will receive an increase of \$11,100.00 because of his appointment as the TRMUA OPA and this will be in addition to his existing responsibilities as Regulatory Compliance/Safety Officer, bringing his total salary to \$97,704.00. A roll call vote was taken with Mr. Valvano, Mrs. Clement, Mr. Montenegro, Mr. Siddiqui and Mr. Memoli all casting affirmative votes.

Adjournment

With no further business to come before the Board, a motion was made by Mrs. Clement and seconded by Mr. Valvano to adjourn the meeting at 6:25 p.m. The motion was carried by a unanimous voice vote.