

**TOMS RIVER MUNICIPAL UTILITIES AUTHORITY**  
**Meeting Number Twelve Hundred Fifty One**

Agenda

February 22, 2022

The 2022 re-organization meeting of the Toms River Municipal Utilities Authority was held on Tuesday, February 22, 2022 at 4:30 P.M. at the office of the Authority, 340 West Water Street, Toms River, New Jersey 08753.

**The following were present:**

Charles S. Valvano, Chairman

Christopher Benson

Tariq M. Siddiqui, Vice-Chairman

Deborah L. Clement, Commissioner

Dr. Alfonso J. Manforti, Commissioner

Philip I. Brilliant, Commissioner

Joseph G. Bilotta, Alt. Commissioner

Katarina Sevastakis, Alt. Commissioner

Bernard Rutkowski, Executive Director/Sec'y.-Treas.

Steven Zabarsky, General Counsel

Rosemary Rosetto, Chief Financial Officer

Mike Lee, Assistant Financial Officer

Nicholas Otten, Authority Engineer

Scott Tirella, Safety & Compliance Officer

Cindy Toye, Administrative Bookkeeping Specialist

Christina Diamante, Executive Assistant/Assistant Sec'y

---

The re-organization Meeting #1251 was called to order at 4:30 p.m., February 22, 2022 by Executive Director, Bernard Rutkowski.

Ms. Diamante, Executive Assistant, 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. Diamante called the roll. Ms. Sevastakis, Mr. Bilotta, Mr. Brilliant, Dr. Manforti, Mrs. Clement, Mr. Siddiqui and Mr. Valvano were present.

**Election of Officers for 2022**

**Chairman**

Mr. Rutkowski asked for nominations for the position of Chairperson.

Mrs. Clement nominated Charles Valvano to serve as Chairman of the Board for 2022 and seconded by Mr. Siddiqui.

Vice-Chairman

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

Mrs. Clement nominated Tariq M. Siddiqui to serve as Vice-Chairman for 2022 and seconded by Mr. Valvano.

Secretary-Treasurer

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

Mr. Siddiqui nominated Bernard Rutkowski to serve as Secretary/Treasurer for 2022 and seconded by Mrs. Clement.

Assistant Secretary

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

Mrs. Clement nominated Christina Diamante to serve as Assistant Secretary for 2022 and seconded by Mr. Brilliant.

Assistant Treasurer

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

Mr. Siddiqui nominated Rosemary Rosetto to serve as Assistant Treasurer for 2022 and seconded by Dr. Manforti.

A roll call vote was taken with Mr. Brilliant, Dr. Manforti, Mrs. Clement, Mr. Siddiqui and Mr. Valvano all casting affirmative votes for the Election of Officers.

**Appointment of Professionals for 2022**

General Counsel

A motion was made by Dr. Manforti and seconded by Mrs. Clement to award a professional contract to Citta, Holzapfel & Zabarsky as General Counsel for the year 2022 as presented in the resolution. A roll call vote was taken with Dr. Manforti, Mrs. Clement, Mr. Brilliant, Mr. Siddiqui and Mr. Valvano all casting affirmative votes.

Labor Counsel

A motion was made by Mr. Brilliant and seconded by Mrs. Clement to award a professional contract to Citta, Holzapfel & Zabarsky as Labor Counsel for the year 2022 as presented in the resolution. A roll call vote was taken with Mr. Brilliant, Mrs. Clement, Dr. Manforti, Mr. Siddiqui and Mr. Valvano all casting affirmative votes.

Bond Counsel

A motion was made by Dr. Manforti and seconded by Mr. Siddiqui to award professional contracts for Bond Counsel Pool to the following firms for the year 2022 as presented in the resolution:

- a. Hawkins, Delafield & Wood
- b. Gluck Walrath, LLP
- c. Wilentz, Goldman & Spitzer
- d. MS&B
- e. Parker McCay, P.A.
- f. Malamut Associates, LLC

A roll call vote was taken with Dr. Manforti, Mr. Siddiqui, Mr. Brilliant, Mrs. Clement and Mr. Valvano all casting affirmative votes.

Auditor

A motion was made by Mr. Siddiqui and seconded by Dr. Manforti to award a professional contract to Holman, Frenia, Allison, P.C. for Auditing services for the year 2022 as presented in the resolution. A roll call vote was taken with Mr. Siddiqui, Dr. Manforti, Mr. Brilliant, Mrs. Clement and Mr. Valvano all casting affirmative votes.

Financial Consultants

A motion was made by Mr. Brilliant and seconded by Mrs. Clement to award a professional contract to the following firms for Financial Consultants Pool for the year 2022 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 Mr. Brilliant, Mrs. Clement, Dr. Manforti, Mr. Siddiqui and Mr. Valvano all casting affirmative votes.

Underwriter

A motion was made by Dr. Manforti and seconded by Mrs. Clement to award a professional contract to the following firms for Underwriter Consultants Pool for the year 2022 as presented in the resolution:

- a. Stifel Nicolaus & Company, Inc.

b. NW Capital Markets

A roll call vote was taken with Dr. Manforti, Mrs. Clement, Mr. Brilliant, Mr. Siddiqui and Mr. Valvano all casting affirmative votes.

Engineering Consultants

A motion was made by Mr. Siddiqui and seconded by Dr. Manforti to award a professional contract to the following firms for Engineering Consulting Pool for the year 2022 as presented in the resolution:

- a. Colliers Engineering & Design, Inc.
- b. T&M Associates
- c. Remington & Vernick
- d. Owen Little & Associates
- e. D. Desmond Corp.
- f. VanCleaf Engineer
- g. PS&S
- h. Alaimo Group Consulting Engineers
- i. French & Parrello Associates
- j. CME Associates
- k. ARH Associates
- l. Morgan Engineering

A roll call vote was taken with Mr. Siddiqui, Dr. Manforti, Mrs. Clement and Mr. Valvano all casting affirmative votes. Mr. Brilliant voted yes with an exception to Owen Little & Associates.

Depository Institutions

A motion was made by Mr. Brilliant and seconded by Mrs. Clement to appoint the following Commercial Depository Institutions for the year 2022 as presented below:

- Amboy National Bank
- Investors Bank
- TD Bank
- Ocean First Bank – Custodial Services
- Ocean First bank
- Bank of America
- JP Morgan Chase
- Wells Fargo Bank
- PNC Bank
- Provident Bank
- Santander Bank
- Lakeland Bank
- Manasquan Savings Bank

A roll call vote was taken with Mr. Brilliant, Mrs. Clement, Dr. Manforti, Mr. Siddiqui and Mr. Valvano all casting affirmative votes.

**Newspapers of Record for 2022**

A motion was made by Dr. Manforti and seconded by Mr. Siddiqui to appoint the official newspapers of record for the year 2022 as presented in the resolution, Asbury Park Press and Newark Star Ledger. A roll call vote was taken with Dr. Manforti, Mr. Siddiqui, Mr. Brilliant, Mrs. Clement and Mr. Valvano all casting affirmative votes.

**2022 Annual Meeting Schedule**

A motion was made by Mr. Siddiqui and seconded by Mr. Brilliant to approve the Annual Meeting Schedule as presented for the year 2022. A roll call vote was taken with Mr. Siddiqui, Mr. Brilliant, Dr. Manforti, Mrs. Clement and Mr. Valvano all casting affirmative votes.

**2022 PACO Officer**

A motion was made by Dr. Manforti and seconded by Mr. Siddiqui to designate Bernard Rutkowski as the 2022 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 Dr. Manforti, Mr. Siddiqui, Mr. Brilliant, Mrs. Clement and Mr. Valvano all casting affirmative votes.

**Committee Appointments for 2022**

Chairman Valvano presented the Commissioners with a list of his 2022 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 - Dr. Al Manforti, Chair; Katarina Sevastakis, Alt
- Finance - Charles Valvano, Chair; Joseph Bilotta, Alt
- Personnel - Deborah Clement, Chair; Joseph Bilotta, Alt
- Engineering & Technology - Tariq Siddiqui, Chair; Philip Brilliant, Alt
- Liaison to Township - Dr. Al Manforti, Chair; Open, Alt
- User Charge - Philip Brilliant, Chair; Deborah Clement, Alt
- Land - Phillip Brilliant, Chair; Katarina Sevastakis, Alt
- AD HOC/Union Contracts - Deborah Clement, Chair; Charles Valvano, Alt
- Regionalization - Tariq Siddiqui, Chair; Dr. Al Manforti, Alt

### **Minutes of Meetings for Approval**

*A. Meeting #1250 - January 25, 2022 - New Submission*

A motion was made by Dr. Manforti and seconded by Mr. Siddiqui to approve the minutes of Meeting #1250 January 25, 2022, as written. A roll call vote was taken with Dr. Manforti, Mr. Siddiqui and Mr. Valvano all casting affirmative votes. Mrs. Clement and Mr. Brilliant abstained as they were absent from the January meeting.

*B. Ex. Session #1250 - January 25, 2022 - New Submission*

A motion was made by Dr. Manforti and seconded by Mr. Siddiqui to approve the minutes of Ex. Session #1250 January 25, 2022, as written. A roll call vote was taken with Dr. Manforti, Mr. Siddiqui and Mr. Valvano all casting affirmative votes. Mrs. Clement and Mr. Brilliant abstained as they were absent from the January meeting.

### **Disbursements**

A motion was made by Mrs. Clement and seconded by Mr. Brilliant to approve payment of the Operating Expenses as listed in the amount of \$3,733,474.72. A roll call vote was taken with Mrs. Clement, Mr. Brilliant, Dr. Manforti and Mr. Siddiqui all casting affirmative votes. Mr. Valvano voted yes with the exception to check #11022.

### **Additional Disbursements**

There were no additional disbursements listed.

### **Trust Fund for Contracts**

None at this time.

### **Ratification of Monthly Transfer & Investment Resolutions**

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

### **Financial Reports**

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

Finance & Investments: 6G

Commissioner Bilotta presented the report. A motion was made by Mr. Siddiqui and seconded by Mrs. Clement to reinvest the available funds of \$10,234.09 into the Ocean First Trust Custodial Account. A roll call vote was taken with Mr. Siddiqui, Mrs. Clement, Mr. Brilliant, Dr. Manforti and Mr. Valvano 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. Brilliant, Dr. Manforti and Mr. Valvano 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, March 22, 2022, at 4:30 p.m. in the TRMUA conference room.

**Adoption of Resolutions/Capital Purchases**

9A-3 - A motion was made by Mrs. Clement and seconded by Mr. Brilliant to approve the purchase of a 4 inch repair clamp packer. A roll call vote was taken with Mrs. Clement, Mr. Brilliant, Dr. Manforti, Mr. Siddiqui and Mr. Valvano all casting affirmative votes.

9A-4 - A motion was made by Mrs. Clement and seconded by Mr. Siddiqui to approve the execution and delivery of loan agreements. A roll call vote was taken with Mrs. Clement, Mr. Siddiqui, Mr. Brilliant, Dr. Manforti and Mr. Valvano all casting affirmative votes.

9A-5 - A motion was made by Mrs. Clement and seconded by Mr. Brilliant to authorize the amended resolution for the issuance of certain subordinated revue bonds. A roll call vote was taken with Mrs. Clement, Mr. Brilliant, Dr. Manforti, Mr. Siddiqui and Mr. Valvano all casting affirmative votes.

9A-6 - A motion was made by Mrs. Clement and seconded by Mr. Brilliant to authorize the change order the final quantities to complete the contract for On-call roadway pavement restoration. A roll call vote was taken with Mrs. Clement, Mr. Brilliant, Dr. Manforti, Mr. Siddiqui and Mr. Valvano all casting affirmative votes.

9A-7 - A motion was made by Mrs. Clement and seconded by Mr. Brilliant to authorize the change order the final quantities to complete the contract for sewer and manhole rehabilitation. A roll call vote was taken with Mrs. Clement, Mr. Brilliant, Dr. Manforti, Mr. Siddiqui and Mr. Valvano all casting affirmative votes.

9A-8 - A motion was made by Mrs. Clement and seconded by Mr. Brilliant to authorize the change order the final quantities to complete the contract for sanitary sewer pipe rehabilitation. A roll call vote was taken with Mrs. Clement, Mr. Brilliant, Dr. Manforti, Mr. Siddiqui and Mr. Valvano all casting affirmative votes.

9A-9 - A motion was made by Mrs. Clement and seconded by Dr. Manforti to re-adopt the cash management policy. A roll call vote was taken with Mrs. Clement, Dr. Manforti, Mr. Brilliant, Mr. Siddiqui and Mr. Valvano all casting affirmative votes.

9A-10 – A motion was made by Mrs. Clement and seconded by Dr. Manforti to adopt the 5 year capital and rate stabilization plan for 2023-2027. A roll call vote was taken with Mrs. Clement, Dr. Manforti, Mr. Brilliant, Mr. Siddiqui and Mr. Valvano all casting affirmative votes.

9A-11 – A motion was made by Mrs. Clement and seconded by Mr. Brilliant to authorize the awarding of the printing and mailing of the annual bills for the total \$29,749.50. A roll call vote was taken with Mrs. Clement, Mr. Brilliant, Dr. Manforti, Mr. Siddiqui and Mr. Valvano all casting affirmative votes.

### **9B - Unfinished Business**

None.

### **Committee Reports**

#### **Engineering & Technology**

Commissioner Siddiqui reported the Engineering Committee meeting was held on the 18<sup>th</sup>, the staff briefed them on the 3 projects that were approved tonight; two were pipe lining contracts, the other was for paving. The staff also reported to the committee on the success of the grease trap inspection ordinance that was passed last year, Mr. Rutkowski went into more detail on the importance of the program for the new commissioners. Mr. Siddiqui then discussed the OCUA meter flows for 2021, they are under our estimate so we will be getting \$32,000 back. Mr. Siddiqui also added there was a reduction in flows of 350 million gallons this year and commended the staff and the TRMUA's engineer Nick Otten for all the work he's put into this. Mr. Otten then went into more detail about his infrastructure plan.

#### **Regionalization**

The Regionalization Committee had a meeting last week and there should be 8 Shared Service agreements for approval at next month's meeting after both parties agree upon the few changes being made.

#### **Land**

None.

#### **Finance/Chairman**

Mr. Valvano talked about the inflation rate raging across the country, he reported the latest data released showed it's up to 7.6%. On top of the inflation there is still major supply chain issues, which the MUA is experiencing personally with the delay of the cooling equipment for the HVAC project. He then welcomed the new commissioner, Ms. Sevastakis. Mr. Valvano reminded the Board to mark down the new 2022 meeting schedule as well as complete the MEL course which gives each person a \$250 credit from the insurance carrier. Mr. Brilliant asked what provisions we have if we do not get the air conditioner system in place for summer to which Mr. Rutkowski replied only one unit is down and the backup plan is to use window units and portable air conditioners until the equipment comes in. Lastly, Mr. Siddiqui congratulated Mr. Rutkowski on being voted Chair of the NJIF.

#### **Personnel**

The Personnel Committee met Friday along with the Executive Director and Administrative Bookkeeper. The open LMW position has been advertised on the AEA and NJWEA websites, the first time a

position has ever had to be posted out of the agency due to no applications submitted. The position starts at \$47,000 and after a year goes up to \$54,000. It was then announced that as of February 7<sup>th</sup>, 2022, there is a new rule on CDL licenses, we can no longer use an in house employee to train crew members on getting their CDL, they must go thru a certified driving school at an expense to the Authority. Lastly, Mrs. Clement discussed with the Board the personnel matter of employee Christopher Benson, who has been out on temporary disability since around July 2021. For the record, Mr. Benson was RICE noticed for this meeting per his written request to speak about this in public session. At this time, the Board of Commissioners is recommending his position as Line Maintenance Operator stay open until a return-to-work date of April 4, 2022. Mr. Benson is to submit, on or before April 4, 2022, a letter from his doctor confirming that he is not disabled and will be able to fulfill his duties and obligations as a Line Maintenance Operator. In the event Mr. Benson is unable to return to work on April 4, 2022, then his employment will be terminated. Mr. Benson addressed the Board on his behalf. A motion was then made by Dr. Manforti and seconded by Mr. Brilliant to accept the Personnel Committee and General Counsel's recommendations to hold Mr. Benson's position until April 4<sup>th</sup> pending his reevaluation on April 1<sup>st</sup>. A roll call vote was taken with Dr. Manforti, Mr. Brilliant, Mrs. Clement, Mr. Siddiqui and Mr. Valvano all casting affirmative votes.

#### **Public Comments**

Mrs. Rosetto informed the new Board members of the dangerous intersection outside the MUA. Mr. Zabarsky thanked the Commissioners for appointing the firm of Citta, Holzapfel & Zabarsky as the Authority's General Counsel. Seeing no further public comments, Chairman Valvano closed the public portion of the meeting.

#### **Correspondence**

Residents sent in a letter of gratitude to Courtney Jacquemot for all her help with a stoppage at their rental property. A copy of the letter will go into her personal file.

#### **Resolution to Enter Executive Session**

No Executive Session was held.

#### **Adjournment**

With no further business to come before the Board, a motion was made by Mrs. Clement and seconded by Mr. Brilliant to adjourn the meeting at 5:23 p.m. A roll call vote was taken with Mrs. Clement, Mr. Brilliant, Dr. Manforti, Mr. Siddiqui and Mr. Valvano all casting affirmative votes.