

TOMS RIVER MUNICIPAL UTILITIES AUTHORITY
Meeting Number Twelve Hundred Sixty Three

Agenda

February 28, 2023

The 2023 re-organization meeting of the Toms River Municipal Utilities Authority was held on Tuesday, February 28, 2023 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

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

Mike Lee, Assistant Financial Officer

Nicholas Otten, Authority Engineer

Cindy Toye, Administrative Bookkeeping Specialist

Christina Diamante, Executive Assistant/Assistant Sec'y

The re-organization Meeting #1263 was called to order at 4:30 p.m., February 28, 2023 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 2023

Chairman

Mr. Rutkowski asked for nominations for the position of Chairperson. Mrs. Clement nominated Charles S. Valvano to serve as Chairman of the Board for 2023 and seconded by Mr. Siddiqui.

Vice-Chairman

Mr. Rutkowski asked for nominations for the position of Vice-Chairman. Mr. Valvano nominated Tariq M. Siddiqui to serve as Vice-Chairman for 2023 and seconded by Mrs. Clement.

Secretary-Treasurer

Mr. Valvano asked for nominations for the position of Secretary/Treasurer. Mr. Siddiqui nominated Bernard Rutkowski to serve as Secretary/Treasurer for 2023 and seconded by Mr. Brilliant.

Assistant Secretary

Mr. Valvano nominated Christina Diamante to serve as Assistant Secretary for 2023 and seconded by Dr. Manforti.

Assistant Treasurer

Mr. Valvano nominated Rosemary Rosetto to serve as Assistant Treasurer for 2023 and seconded by Mr. Brilliant.

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.

Oath of Office

The Oath of Office was administered to all the Commissioners collectively by the Authority's attorney, Steven Zabarsky.

Appointment of Professionals for 2023

General Counsel

A motion was made by Mr. Brilliant and seconded by Mrs. Clement to award a professional contract to Citta, Holzapfel & Zabarsky as General Counsel for the year 2023 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.

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 2023 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 Mr. Siddiqui and seconded by Dr. Manforti to award professional contracts for Bond Counsel Pool to the following firms for the year 2023 as presented in the resolution:

- a. Gluck Walrath, LLP
- b. Wilentz, Goldman & Spitzer
- c. Malamut Associates, LLC

A roll call vote was taken with Mr. Siddiqui, Dr. Manforti, 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 2023 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. Siddiqui and seconded by Dr. Manforti to award a professional contract to the following firms for Financial Consultants Pool for the year 2023 as presented in the resolution:

- a. Acacia Financial Group
- b. Phoenix Advisors, LLC

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

Underwriter

A motion was made by Mr. Brilliant and seconded by Dr. Manforti to award a professional contract to the following firm for Underwriter Consultants Pool for the year 2023 as presented in the resolution:

- a. Stifel Nicolaus & Company, Inc.

A roll call vote was taken with Mr. Brilliant, Dr. Manforti, Mrs. Clement, 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 2023 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. ARH Associates
- k. Morgan Engineering

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

Risk Management

A motion was made by Mr. Brilliant and seconded by Mrs. Clement to appoint Connor Strong & Buckelew for Risk Management Consultants for the years 2023-2025 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.

Depository Institutions

A motion was made by Dr. Manforti and seconded by Mr. Brilliant to appoint the following Commercial Depository Institutions for the year 2023 as presented below:

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

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

Newspapers of Record for 2023

A motion was made by Mr. Siddiqui and seconded by Mrs. Clement to appoint the official newspapers of record for the year 2023 as presented in the resolution; Asbury Park Press and Newark Star Ledger. A roll call vote was taken with Mr. Siddiqui, Mrs. Clement, Mr. Brilliant, Dr. Manforti and Mr. Valvano all casting affirmative votes.

2023 Annual Meeting Schedule

A motion was made by Dr. Manforti and seconded by Mr. Brilliant to approve the Annual Meeting Schedule as presented for the year 2023. A roll call vote was taken with Dr. Manforti, Mr. Brilliant, Mr. Siddiqui, Mrs. Clement and Mr. Valvano all casting affirmative votes.

2023 PACO Officer

A motion was made by Dr. Manforti and seconded by Mrs. Clement to designate Bernard Rutkowski as the 2023 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, Mrs. Clement, Mr. Brilliant, Mr. Siddiqui and Mr. Valvano all casting affirmative votes.

Committee Appointments for 2023

Chairman Valvano presented the Commissioners with a list of his 2023 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 - Philip 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 #1262 - January 24, 2023 - New Submission

A motion was made by Mrs. Clement and seconded by Mr. Siddiqui to approve the minutes of Meeting #1262 January 24, 2023, as written. A roll call vote was taken with Mrs. Clement, Mr. Siddiqui, Mr. Brilliant, Dr. Manforti and Mr. Valvano all casting affirmative votes.

A motion was made by Mrs. Clement and seconded by Mr. Siddiqui to approve the minutes of Ex. Session #1262 January 24, 2023, as written. A roll call vote was taken with Mrs. Clement, Mr. Siddiqui, Mr. Brilliant, Dr. Manforti and Mr. Valvano all casting affirmative votes.

Disbursements

A motion was made by Dr. Manforti and seconded by Mrs. Clement to approve payment of the Operating Expenses as listed in the amount of \$4,428,105.51. A roll call vote was taken with Mrs. Clement, Mr. Brilliant, Mr. Siddiqui and Mr. Valvano all casting affirmative votes. Dr. Manforti voted yes with the exception to check #11935.

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 Mrs. Clement and seconded by Mr. Brilliant to reinvest the available funds of \$7,659.11 into the Ocean First Trust Custodial Account. A roll call vote was taken with Mrs. Clement, Mr. Brilliant, Dr. Manforti, Mr. Siddiqui 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

A motion was made by Dr. Manforti and seconded by Mr. Siddiqui to approve the preliminary application for Sub Division #D-1072 (K&K Developers – Short Hills, NJ and Congregation B’Nai Israel – Toms River, NJ). A roll call vote was taken with Dr. Manforti, Mr. Siddiqui, Mrs. Clement and Mr. Valvano all casting affirmative votes. Mr. Brilliant abstained.

Authority Meeting

The next Authority meeting was confirmed for Tuesday, March 28, 2023 at 4:30 p.m. in the TRMUA

conference room.

Adoption of Resolutions/Capital Purchases

9A-2 - A motion was made by Mrs. Clement and seconded by Mr. Brilliant to authorize the purchase of (1) cargo trailer. A roll call vote was taken with Mrs. Clement, Mr. Brilliant, Dr. Manforti, Mr. Siddiqui and Mr. Valvano all casting affirmative votes.

9A-3 - A motion was made by Mr. Brilliant and seconded by Mrs. Clement to advertise to purchase (4) Rigid See Snake Cameras. A roll call vote was taken with Mr. Brilliant, Mrs. Clement, Dr. Manforti, Mr. Siddiqui and Mr. Valvano all casting affirmative votes.

9A-4 – A motion was made by Dr. Manforti and seconded by Mr. Siddiqui to award the On-call Roadway Restoration Project contract NO. RPR-23 to L&L Paving Company, INC. A roll call vote was taken with Dr. Manforti, Mr. Siddiqui, Mr. Brilliant, Mrs. Clement and Mr. Valvano all casting affirmative votes.

9A-5 – A motion was made by Mr. Siddiqui and seconded by Mrs. Clement to approve the Rules & Regulations manual. A roll call vote was taken with Mr. Siddiqui, Mrs. Clement, Mr. Brilliant, Dr. Manforti and Mr. Valvano all casting affirmative votes.

9A-6 – A motion was made by Mrs. Clement and seconded by Mr. Brilliant to approve the Cash Management and Investment Policy. 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 Dr. Manforti to approve the 5 Year Capital and Rate Stabilization Plan 2024-2028. A roll call vote was taken with Mrs. Clement, Dr. Manforti, Mr. Brilliant, Mr. Siddiqui and Mr. Valvano all casting affirmative votes.

9A-8 – A motion was made by Dr. Manforti and seconded by Mr. Siddiqui to authorize the removal of (1) waste oil tank. A roll call vote was taken with Dr. Manforti, Mr. Siddiqui, Mr. Brilliant, Mrs. Clement and Mr. Valvano all casting affirmative votes.

9B - Unfinished Business

None.

Committee Reports

Legal

A Executive Session will be needed. Mr. Zabarsky congratulated the Chairman on reappointment and thanked the Board on behalf of his firm for selecting them as General and Labor Counsel.

Personnel

The Personnel Committee reported they will be doing interviews for the LMW position on March 14th, the Committee is asking for approval to interview and hire 2 possibly 3 of the candidates. The Committee also added that the six month training of the foreman position is going well. A motion was made by Mr. Brilliant and seconded by Dr. Manforti to give the Personnel Committee approval to interview on March 14th and hire two, possibly three, Line Maintenance Workers. A roll call vote was taken with Mr. Brilliant, Dr. Manforti, Mrs. Clement, Mr. Siddiqui and Mr. Valvano all casting affirmative votes.

A long discussion was held amongst the Board and the Bookkeeping Specialist on the Authority's new hire probation policy, wondering if the time period and wait for vacation is a deterrent for possible applicants. A motion was made by Dr. Manforti and seconded by Mr. Brilliant to have the Executive Director propose to the Teamsters Union to amend the contract from 90 days probation to 60 days, start them on full salary their first day and accrue one vacation day a month until their anniversary. A roll call vote was taken with Dr. Manforti, Mr. Brilliant, Mrs. Clement, Mr. Siddiqui and Mr. Valvano all casting affirmative votes.

Engineering/Technology & Regionalization

Commissioner Siddiqui thanked the staff for working hard on the Rules & Regulations manual, especially Mr. Rutkowski, Mr. Tirella and Mr. Otten.

Liaison to Township

None.

User Charge/Land

None.

Finance/Chairman

Mr. Valvano reported our virus scan conducted by our IT director came back with zero threats, he also thanked the Board for their kind words and looking forward to another productive year as Chairman.

Public Comments

Seeing no further public comments, Chairman Valvano closed the public portion of the meeting.

Correspondence

Mr. Rutkowski had stated earlier that the MEL issued the training for 2023 that needs to be completed by May, he reminded everyone that the Authority receives a \$250 credit for each Commissioner that attends. He also informed the Board that our IT director, Tammy Davicsin, was the first person to receive the honor of a Spotlight article with StarNet, one of our IT vendors.

Resolution to Enter Executive Session

A motion was made by Mrs. Clement and seconded by Dr. Manforti to adopt the resolution to enter Executive Session at 5:31 p.m. to discuss personnel matters, litigation/potential litigation and contractual matters. A roll call vote was taken with Mrs. Clement, Dr. Manforti, Mr. Brilliant, Mr. Siddiqui and Mr. Valvano all casting affirmative votes.

Public Session Reconvened at 6:03 p.m.

Back in Public Session a motion was made by Mr. Brilliant and seconded by Mrs. Clement to request that General Counsel stop the imminent domain process on the Green Island Pump Station. A roll call vote was taken with Mr. Brilliant, Mrs. Clement, Dr. Manforti, Mr. Siddiqui and Mr. Valvano all casting affirmative votes.

Another motion was made by Dr. Manforti and seconded by Mr. Brilliant to pay the legal fees from the TRMUA vs. Green Island Community Association litigation per the court order. A roll call vote was taken with Dr. Manforti, Mr. Brilliant, Mrs. Clement, Mr. Siddiqui and Mr. Valvano all casting affirmative votes.

Adjournment

With no further business to come before the Board, a motion was made by Mrs. Clement and seconded by Dr. Manforti to adjourn the meeting at 6:05 p.m. A roll call vote was taken with Mrs. Clement, Dr. Manforti, Mr. Brilliant, Mr. Siddiqui and Mr. Valvano all casting affirmative votes.