

TOMS RIVER MUNICIPAL UTILITIES AUTHORITY
Meeting Number Twelve Hundred Seventy Five

Agenda

February 27, 2024

The 2024 re-organization meeting of the Toms River Municipal Utilities Authority was held on Tuesday, February 27, 2024 at 4:30 P.M. at the office of the Authority, 340 West Water Street, Toms River, New Jersey 08753.

The following were present:

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| Charles S. Valvano, Chairman | Joseph Coronato Jr./MOP |
| Dr. Alfonso J. Manforti, Commissioner | |
| Philip I. Brilliant, Commissioner | |
| Joseph G. Bilotta, Commissioner | |
| Sam Ellenbogen, Commissioner | |
| Bernard Rutkowski, Executive Director/Sec'y.-Treas. | |
| Joseph D. Coronato, Esq., General Counsel | |
| Mike Lee, Chief Financial Officer | |
| Nicholas Otten, Authority Engineer | |
| Scott Tirella, Safety & Compliance Officer | |
| Cindy Toye, Human Resources Manager | |
| Christina Diamante, Executive Assistant/Assistant Sec'y | |

The re-organization Meeting #1275 was called to order at 4:30 p.m., February 27, 2024 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. Mr. Ellenbogen, Mr. Bilotta, Mr. Brilliant, Dr. Manforti and Mr. Valvano were present. Ms. Sevastakis and Mr. Siddiqui were absent.

Election of Officers for 2024

Chairman

Mr. Rutkowski asked for nominations for the position of Chairperson. Mr. Bilotta nominated Charles Valvano to serve as Chairman of the Board for 2024 and seconded by Mr. Brilliant. A roll call vote was taken with Mr. Bilotta, Mr. Brilliant, Dr. Manforti, Mr. Ellenbogen and Mr. Valvano all casting affirmative votes.

Vice-Chairman

Mr. Valvano nominated Tariq Siddiqui to serve as Vice-Chairperson for 2024 and seconded by Mr. Bilotta. A roll call vote was taken with Mr. Valvano, Mr. Bilotta, Mr. Brilliant, Dr. Manforti and Mr. Ellenbogen all casting affirmative votes.

Secretary-Treasurer

Mr. Valvano nominated Bernard Rutkowski to serve as Secretary/Treasurer for 2024 and seconded by Mr. Bilotta. A roll call vote was taken with Mr. Valvano, Mr. Bilotta, Mr. Brilliant, Dr. Manforti and Mr. Ellenbogen all casting affirmative votes.

Assistant Secretary

Mr. Valvano nominated Christina Diamante to serve as Assistant Secretary for 2024 and seconded by

Mr. Bilotta. A roll call vote was taken with Mr. Valvano, Mr. Bilotta, Mr. Brilliant, Dr. Manforti and Mr. Ellenbogen all casting affirmative votes.

Assistant Treasurer

Mr. Valvano nominated Mike Lee to serve as Assistant Treasurer for 2024 and seconded by Mr. Bilotta. A roll call vote was taken with Mr. Valvano, Mr. Bilotta, Mr. Brilliant, Dr. Manforti and Mr. Ellenbogen all casting affirmative votes.

Appointment of Professionals for 2024

General Counsel

A motion was made by Mr. Ellenbogen and seconded by Mr. Bilotta to award a professional contract to Coronato Law Firm as General Counsel for the year 2024 as presented in the resolution. A roll call vote was taken with Mr. Ellenbogen, Mr. Bilotta, Mr. Brilliant and Mr. Valvano all casting affirmative votes. Dr. Manforti abstained out of conflict.

Labor Counsel

A motion was made by Mr. Ellenbogen and seconded by Mr. Bilotta to award a professional contract to Coronato Law Firm as Labor Counsel for the year 2024 as presented in the resolution. A roll call vote was taken with Mr. Ellenbogen, Mr. Bilotta and Mr. Valvano all casting affirmative votes. Dr. Manforti abstained out of conflict and Mr. Brilliant voted no.

Oath of Office

At this time, the Oath of Office was administered to the present Commissioners collectively by the Authority's attorney, Joseph D. Coronato.

Bond Counsel

A motion was made by Mr. Bilotta and seconded by Mr. Brilliant to award professional contracts for Bond Counsel Pool to the following firms for the year 2024 as presented in the resolution:

- a. Dilworth Paxson, LLP
- b. Wilentz, Goldman & Spitzer
- c. Malamut Associates, LLC

A roll call vote was taken with Mr. Bilotta, Mr. Brilliant, Dr. Manforti, Mr. Ellenbogen and Mr. Valvano all casting affirmative votes.

Auditor

A motion was made by Mr. Bilotta and seconded by Mr. Brilliant to award a professional contract to Holman, Frenia, Allison, P.C. for Auditing services for the year 2024 as presented in the resolution. A roll call vote was taken with Mr. Bilotta, Mr. Brilliant, Dr. Manforti, Mr. Ellenbogen and Mr. Valvano all casting affirmative votes.

Financial Consultants

A motion was made by Mr. Bilotta and seconded by Mr. Brilliant to award a professional contract to the following firms for Financial Consultants Pool for the year 2024 as presented in the resolution:

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

A roll call vote was taken with Mr. Bilotta, Mr. Brilliant, Dr. Manforti, Mr. Ellenbogen and Mr. Valvano all casting affirmative votes.

Underwriter

A motion was made by Mr. Bilotta and seconded by Mr. Brilliant to award a professional contract to the following firms for Underwriter Consultants Pool for the year 2024 as presented in the resolution:

- a. Stifel Nicolaus & Company, Inc.
- b. NW Capital Markets INC

A roll call vote was taken with Mr. Bilotta, Mr. Brilliant, Dr. Manforti, Mr. Ellenbogen and Mr. Valvano all casting affirmative votes.

Engineering Consultants

A motion was made by Dr. Manforti and seconded by Mr. Bilotta to award a professional contract to the following firms for Engineering Consulting Pool for the year 2024 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. VanCleeef 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. Bilotta, Mr. Ellenbogen and Mr. Valvano all casting affirmative votes. Dr. Manforti voted yes with an exception to Owen Little & Associates. Mr. Brilliant voted yes with an exception to Remington & Vernick, Owen Little & Associates, PS&S, French & Parrello Associates and ARH Associates.

Depository Institutions

A motion was made by Mr. Bilotta and seconded by Mr. Brilliant to appoint Ocean First Bank as Custodial Services for the year 2024. A roll call vote was taken with Mr. Bilotta, Mr. Brilliant, Dr. Manforti, Mr. Ellenbogen and Mr. Valvano all casting affirmative votes.

A motion was made by Mr. Bilotta and seconded by Mr. Brilliant to appoint the following Commercial Banks for the year 2024 as presented below:

- Amboy National Bank
- Citizens Bank
- TD Bank
- Ocean First Bank
- Bank of America
- JP Morgan Chase
- Wells Fargo Bank
- PNC Bank
- Santander Bank
- Lakeland Bank

A roll call vote was taken with Mr. Bilotta, Mr. Brilliant, Dr. Manforti, Mr. Ellenbogen and Mr. Valvano all casting affirmative votes.

Newspapers of Record for 2024

A motion was made by Mr. Bilotta and seconded by Mr. Brilliant to appoint the official newspapers of record for the year 2024 as presented in the resolution; Asbury Park Press and Newark Star Ledger. A roll call vote was taken with Mr. Bilotta, Mr. Brilliant, Dr. Manforti, Mr. Ellenbogen and Mr. Valvano all casting affirmative votes.

2024 Annual Meeting Schedule

A motion was made by Dr. Manforti and seconded by Mr. Ellenbogen to approve the Annual Meeting Schedule as presented for the year 2024. A roll call vote was taken with Dr. Manforti, Mr. Ellenbogen, Mr. Bilotta, Mr. Brilliant and Mr. Valvano all casting affirmative votes.

2024 PACO Officer

A motion was made by Mr. Bilotta and seconded by Mr. Brilliant to designate Bernard Rutkowski as the 2024 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 Mr. Bilotta, Mr. Brilliant, Dr. Manforti, Mr. Ellenbogen and Mr. Valvano all casting affirmative votes.

Committee Appointments for 2024

Chairman Valvano presented the Commissioners with a list of his 2024 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 - Joseph Bilotta, Chair; Sam Ellenbogen, Alt
- Engineering & Technology - Tariq Siddiqui, Chair; Philip Brilliant, Alt
- Liaison to Township - Joseph Bilotta, Chair; Sam Ellenbogen, Alt
- User Charge - Philip Brilliant, Chair; Dr. Al Manforti, Alt
- Land - Philip Brilliant, Chair; Katarina Sevastakis, Alt
- AD HOC/Union Contracts - Charles Valvano, Chair; Philip Brilliant, Alt
- Regionalization - Tariq Siddiqui, Chair; Dr. Al Manforti, Alt

Minutes of Meetings for Approval

A. Meeting #1274 - January 23, 2024 - New Submission

A motion was made by Dr. Manforti and seconded by Mr. Brilliant to approve the minutes of Meeting #1274 January 23, 2024, as written. A roll call vote was taken with Dr. Manforti, Mr. Brilliant, Mr. Bilotta, Mr. Ellenbogen and Mr. Valvano all casting affirmative votes.

Disbursements

A motion was made by Dr. Manforti and seconded by Mr. Bilotta to approve payment of the Operating Expenses as listed in the amount of \$3,943,581.59. A roll call vote was taken with Mr. Bilotta, Mr. Brilliant and Mr. Valvano all casting affirmative votes. Dr. Manforti voted yes with the exception to all RX reimbursements. Mr. Ellenbogen voted yes with the exception to check #13057.

Trust Fund for Contracts

None at this time.

Ratification of Monthly Transfer & Investment Resolutions

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

Financial Reports

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

Finance & Investments: 6G

A motion was made by Mr. Bilotta and seconded by Mr. Brilliant to reinvest the available funds of \$5,063.47 into the Ocean First Trust Custodial Account. A roll call vote was taken with Mr. Bilotta, Mr. Brilliant, Dr. Manforti, Mr. Ellenbogen and Mr. Valvano all casting affirmative votes.

Operating Reports

A motion was made by Mr. Bilotta and seconded by Mr. Brilliant that the operating reports 7A-7G were accepted as presented. A roll call vote was taken with Mr. Bilotta, Mr. Brilliant, Dr. Manforti, Mr. Ellenbogen and Mr. Valvano all casting affirmative votes. Commissioner Manforti asked, in regard to one of the reports, who is a part of the Accident Review Committee, to which the Safety & Compliance Officer replied that it includes himself, the CFO, a Union rep and the Human Resources Manager.

Development Applications-Major Sub Divisions

A motion was made by Mr. Brilliant and seconded by Mr. Ellenbogen to approve the preliminary application for Sub Division #D-1074 (1599 Lakewood Rd, LLC). A roll call vote was taken with Mr. Brilliant, Mr. Ellenbogen, Mr. Bilotta, Dr. Manforti and Mr. Valvano all casting affirmative votes.

Authority Meeting

The next Authority meeting was confirmed for Tuesday, March 26, 2024 at 4:30 p.m. in the TRMUA conference room.

Adoption of Resolutions/Capital Purchases

9A-2 - A motion was made by Dr. Manforti and seconded by Mr. Brilliant to auction surplus equipment. A roll call vote was taken with Dr. Manforti, Mr. Brilliant, Mr. Bilotta, Mr. Ellenbogen and Mr. Valvano all casting affirmative votes.

9A-3 – A motion was made by Mr. Brilliant and seconded by Mr. Bilotta to authorize signers for the NJDEP applications. A roll call vote was taken with Mr. Brilliant, Mr. Bilotta, Dr. Manforti, Mr. Ellenbogen

and Mr. Valvano all casting affirmative votes.

9A-4 – A motion was made by Mr. Bilotta and seconded by Mr. Brilliant to authorize signers for NJDOT applications. A roll call vote was taken with Mr. Bilotta, Mr. Brilliant, Dr. Manforti, Mr. Ellenbogen and Mr. Valvano all casting affirmative votes.

9A-5 – A motion was made by Dr. Manforti and seconded by Mr. Ellenbogen to approve continuation of insurance benefits for retiree. A roll call vote was taken with Dr. Manforti, Mr. Ellenbogen, Mr. Bilotta, Mr. Brilliant, and Mr. Valvano all casting affirmative votes.

9A-6 – A motion was made by Mr. Bilotta and seconded by Mr. Brilliant to authorize Change-Order Final Quantities to L&L Paving Company contract. A roll call vote was taken with Mr. Bilotta, Mr. Brilliant, Dr. Manforti, Mr. Ellenbogen and Mr. Valvano all casting affirmative votes.

9A-7 – A motion was made by Mr. Bilotta and seconded by Mr. Brilliant to award the On-call Roadway Restoration Project bid contract to L&L Paving Company, INC. pending attorney review. A roll call vote was taken with Mr. Bilotta, Mr. Brilliant, Dr. Manforti, Mr. Ellenbogen and Mr. Valvano all casting affirmative votes.

9A-8 – A motion was made by Mr. Brilliant and seconded by Mr. Bilotta to award the 2024 Bulkhead Replacement at PS 15 Project bid contract to SDW Construction, INC. pending attorney review. A roll call vote was taken with Mr. Brilliant, Mr. Bilotta, Dr. Manforti, Mr. Ellenbogen and Mr. Valvano all casting affirmative votes.

9A-9 – A motion was made by Mr. Bilotta and seconded by Mr. Ellenbogen to adopt the 5 Year Capital & Rate Stabilization Plan 2025-2029. A roll call vote was taken with Mr. Bilotta, Mr. Ellenbogen, Mr. Brilliant, Dr. Manforti and Mr. Valvano all casting affirmative votes.

9A-10 – A motion was made by Mr. Ellenbogen and seconded by Mr. Bilotta to adopt the Cash Management & Investment Policy. A roll call vote was taken with Mr. Ellenbogen, Mr. Bilotta, Mr. Brilliant, Dr. Manforti and Mr. Valvano all casting affirmative votes.

9B - Unfinished Business

Mr. Rutkowski announced the renovations of the conference room are finally finished with the reupholstering of the chairs and he thanked all the employees involved.

Committee Reports

Personnel

An Executive Session is needed.

Legal

None.

Engineering/Technology/Regionalization

None.

Liaison to Township

None.

User Charge

None.

Land

None.

Ad Hoc/Union

None.

Finance/Chairman

Chairman Valvano reminded everyone to put the meeting schedule on your calendars and for the Assistant Secretary to send an email to the Board containing the committees list and meeting schedule. He also mentioned how the Change-Order with L&L Paving Company was good news, it was a decrease over \$36,000. Lastly, Mr. Valvano reminded that it is almost time for Finance Disclosures which will be sent via the Township Clerk, he noted you can be fined if you do not complete these.

Public Comments

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

Correspondence

None.

Resolution to Enter Executive Session

A motion was made by Mr. Bilotta and seconded by Mr. Ellenbogen to adopt the resolution to enter Executive Session at 5:07 p.m. to discuss personnel matters, litigation/potential litigation and contractual matters. A roll call vote was taken with Mr. Bilotta, Mr. Ellenbogen, Mr. Brilliant, Dr. Manforti and Mr. Valvano all casting affirmative votes.

Public Session Reconvened at 5:30 p.m.

Back in Public Session a motion was made by Mr. Bilotta and seconded by Mr. Brilliant to select Mike Cucinotta as the Foreman Trainee with no additional pay. Based on the advice of Counsel, the Executive Director is to memorialize in Mike Cucinotta and his nephew's file that he cannot supervise his own relative if selected for the permanent Foreman position. A roll call vote was taken with Mr. Bilotta, Mr. Brilliant, Mr. Ellenbogen and Mr. Valvano all casting affirmative votes. Dr. Manforti abstained.

Another motion was made by Mr. Bilotta and seconded by Mr. Brilliant to hire James Wutzer for the Line Maintenance Worker position on a 60 day probation at \$50,347. A roll call vote was taken with Mr. Bilotta, Mr. Brilliant, Dr. Manforti, Mr. Ellenbogen and Mr. Valvano all casting affirmative votes.

Another motion was made by Mr. Bilotta and seconded by Mr. Ellenbogen to post and hire a second Line Maintenance Worker. A roll call vote was taken with Mr. Bilotta, Mr. Ellenbogen, Mr. Brilliant, Dr. Manforti and Mr. Valvano all casting affirmative votes.

Adjournment

With no further business to come before the Board, a motion was made by Mr. Brilliant and seconded by Mr. Bilotta to adjourn the meeting at 5:36 p.m. The motion was carried by a unanimous voice vote.