

# PUBLIC MEETING MINUTES

## May 17, 2010

A Public Meeting of The Brick Township Municipal Utilities Authority was held on this date beginning at 7:00 p.m.

### **1. SALUTE TO THE FLAG OF THE UNITED STATES OF AMERICA**

Following the Salute to the Flag of the United States of American, Chairman Bottazzi read the opening statement.

### **2. CHAIRMAN'S OPENING STATEMENT**

Chairman Bottazzi stated, "This meeting is being conducted pursuant to the Open Public Meetings Act, being Chapter 231 of the Laws of 1975. In accordance with the requirements of this law, a Meeting Notice was published on February 10, 2010 in the Asbury Park Press and Brick Communicator. Similar Notice was given to the Clerk of the Township of Brick and placed on the bulletin board maintained for this purpose by the Authority."

### **3. ROLL CALL**

#### **Commissioners Present**

Joseph Buttacavoli, DMD  
Allan E. Cartine  
Joseph M. Veni, P.E.  
John Ciocco  
Edward J. McBride  
Patrick L. Bottazzi

#### **Others Present**

James F. Lacey, Executive Director  
Stephen T. Specht, PE  
Frank Planko, CFO  
Scott Bundy, Dir. Central Services

#### **Commissioners Absent**

Madeline Iannarone

Ms. Sylvester advised that Commissioner McBride will serve as the voting alternate in Commissioner Iannarone's absence.

### **4. APPROVAL OF MINUTES**

April 26, 2010 Public Meeting  
June 22, 2009 Exempt (portion)  
August 24, 2009 Exempt  
September 21, 2009 Exempt (portion)  
October 19, 2009 Exempt

October 26, 2009 Exempt

Chairman Bottazzi called for a motion to approve the meeting minutes as set forth on the Agenda. Motion to approve by Comm. Buttacavoli. Seconded by Comm. Veni

AYES: Commissioners McBride (with abstention on Sept. 21, 2009, Buttacavoli, Veni, Cartine (abstain June 22, 2009), Chairman Bottazzi

NAYS: None

ABSTAIN: As noted above

**5. CORRESPONDENCE**

May 2010 Letter from Rabbi Yossi Herskovits, requesting our participation in the upcoming Children's Health and Safety Fair

Mr. Specht advised, "There is no date on this letter Mr. Chairman from Rabbi Herskovits requesting our participation in the upcoming Children's Health and Safety fair. They requested that as we have done in similar events, possibly utilizing our grout and TV inspection truck. They generally have over 4,000 children and adults at this event and it is on June 27<sup>th</sup>, a Sunday from 11:00 a.m. to 5:00 p.m. at the Clifton Avenue grade school in Lakewood."

Chairman Bottazzi asked how they would like us to participate.

Mr. Specht replied, "To bring our truck and two technicians and show how the truck works. They have other types of vehicles there. We would bring our TV Truck."

Chairman Bottazzi asked the commissioners if they have any questions about it.

Chairman Bottazzi asked how many people we would need and for how long.

Mr. Specht replied that we would need two technicians from 10:00 am to 6:00 p.m. and we pay them double time because it is a Sunday.

Chairman Bottazzi stated, "The reason there is hesitation is I believe is that the fire companies are volunteers and we are paying two men double time."

Mr. Specht stated that it gives us good exposure to Lakewood as our neighbor and we do have a relationship with Lakewood MUA."

Chairman Bottazzi stated, "Comm. Cartine has questions counselor, since we are a municipal authority and this is a private school... why don't you find out more about it and maybe we can do less hours and so forth. I will poll the commissioners once you get more information and we will decide."

**6. APPROVAL OF BILL RESOLUTION**

Commissioner Buttacavoli read the bill resolution as follows: "Whereas the attached vouchers totaling \$2,06,397.48 have been examined and certified by the members of The Brick Township Municipal Utilities Authority and found to be reasonable and necessary now therefore be it resolved that said vouchers be and hereby are approved for payment and the treasurer is authorized is make payment thereof. Total Operating Vouchers \$2,175,688.51. Total payroll \$1,036,854.55., Total capital vouchers \$45,884.02. Escrow \$1,970.40. The total bill resolution being \$3,260,397.48. Sufficient funds are available for payment of all vouchers.

Motion to adopt the Bill Resolution by Comm. Buttacavoli. Seconded by Comm. Veni.

AYES: Comm. McBride, Buttacavoli, Veni, Cartine, Bottazzi  
NAYS: None  
ABSTAIN: None

**7. TREASURER'S REPORT**

Commissioner Cartine read the Treasurer's Report as follows: "This is the Treasurer's Report for the month ending April 30, 2010. Total Revenue Funds \$12,371,589.21, total general funds \$262,038.19. Total unrestricted funds are \$12,622,627.40. Restricted Funds/Series 2002 Construction Funds \$1,80,0,555.44, Rate Projection Maintenance Funds \$3,591,000.00 Future Capital Requirements fund \$2,432,577.69. Working Capital funds \$1,621,464.21, NJEIT processing funds \$2,956,396.57. Bond Funds, debt service funds, \$3,708,452.29. Debt Service Reserve Fund requirement of all bonds: \$8,037,392.59. Total bond fund is \$11,745,846.79. Other restricted funds totaling \$25,972,744.74. Total of all fund accounts \$38,596,272.14. This is submitted by Frank Planko, Chief Financial Officer.

Motion to approve the Treasurer's Report by Comm. Cartine, seconded by Comm. McBride.

AYES: Comm. McBride, Buttacavoli, Veni, Cartine, Bottazzi  
NAYS: None  
ABSTAIN: None

Chairman Bottazzi stated that before we go any further he would like to recognize, Councilwoman Ruthanne Scaturro, Councilman DeLuca, Councilman Brando, Consumer Affairs Commission Steve Scaturro and the President of the Planning Board, John Catalano. "Thank you for coming," Chairman Bottazzi stated.

**8. DEVELOPER APPLICATIONS**

**8.1 Preliminary Applications - No Further Action Required - None**

**8.2 Other Applications**

1954 Nobility Crest at Brick, LLC, New Vision at Brick, Chambers Bridge Road, Amended Preliminary & Final, 300 & 1 Clubhouse, Residential

Comm. Veni advised, "The first one we have is project number 1954, the applicant is Nobility Crest at Brick and it is for New Visions at brick. Just so you know there was a previous final approval April 24, 2006. This is a final multi-family residential retirement community with age restriction requirements. We are going forward with the amendment to this site plan. There is going to be 300 multi-family units in ten building and one clubhouse. As far as we are concerned the construction consists of approximately 1800 linear feet of sanitary sewer system, 12 sanitary manholes and 20 sanitary sewer laterals. Also included are 2,000 linear feet of 12 inch diameter water mains, approximately 1,070 of 6 inch water main, 4 hydrants and 312 individual one inch diameter water services to the facilities. I recommend that we approve this application."

Comm. Cartine stated, "I have a question on the application. Since we have the president of the Planning Board here tonight for my information I would like to know basically what the status of that project is at the moment. And I understand there has been discussion on how we are going to proceed with their project."

Mr. Catalano, President of the Brick Township Planning Board stated, "The application has been heard and the time line has been approved by the Planning Board. The change in the age restriction requirement is being handled in the courts right now."

Comm. Cartine stated, "That is what I am asking you."

Councilwoman Scaturro stated, "Actually nothing has been finalized. They are looking at the number of units... (remainder of Ms. Scaturro's statement not able to transcribe too low.)"

Comm. Cartine asked, "Does the council have a position on this or are they mum because it is being litigated?"

Councilwoman Scaturro replied, "We are waiting to get final recommendation and then at that time there might be a request that the council makes a determination. The original plan was for an age restricted community..."

Comm. Cartine stated, "Through the chair and directed at Counsel here, Isn't this a discrepancy when we are passing on an application that is fictitious at this moment because of the same .. I don't understand why we would be doing that at this time. Approving an application."

Counselor Koutsouris stated, "They submitted an application and if the development as age restricted meets the technical requirements of the Authority, you are bound to act one way or another on the application that has been presented. But they told you they want to change that. Now I don't know if changing this from an age-restricted to non-age restricted takes us outside of the technical approval if it needs to be reconsidered, so if it does then you might want to consider approving this application subject to this development remaining age restricted which is what the application is before you now. If that changes in the future then they need to reapply."

Comm. Cartine asked, "Do we need an amendment to this application before we make a motion?"

Counselor Koutsouris stated, "No because you are being presented with an application for an

age restricted community that may change in the future. So if the technical requirements of the Authority are met you are approving an age-restricted development right now. They are telling you in their application, I presume that they are looking to change that in future, so if you need to put a caveat in your approval as to what you are approving then you do that, if not then you don't."

Comm. Veni stated, "When we had the construction committee meeting, it states right in the line it is recommended that our approval for the amended major site plan for the multi-family residential retirement community be approved with an age restricted requirement remaining for the subject development. That is all that we are approving."

Counselor Koutsouris stated that should be made clear in the motion.

Chairman Bottazzi stated, "We are not approving zoning or density, we are approving that we have water available and sewer to service them. End of story."

Counselor Koutsouris stated, "That is correct. What I am indicating to the Board is if you take a house that is age restricted and then you take that away do the technical requirements change for this application? That is an engineering question that I don't know the answer to."

Councilwoman Scaturro stated, "I do know they are moving forward with it as an age-restricted community and the lawsuit is still pending as to whether or not it remains age-restricted."

Mr. Catalano stated, "What I would like to say is because of the lawsuit the Planning Board went around and around because we heard this, what we were finally advised by our attorney to do was consider the application as age restricted and if the court has to approve that and the judge says bring it back to the planning board then we will come back and reconsider it."

Chairman Bottazzi asked Counselor Koutsouris if he advises the board to grant this.

Counselor Koutsouris advised, "I don't advise you to grant it but to consider that you have before you a 300 unit application for an age restricted development and this may be a technical requirement you should consider as well."

Comm. Cartine asked Counselor Koutsouris if the courts do change the fact that he community may be unrestricted does that call for another approval or application review by us?

Counselor Koutsouris replied, "That depends on the state of the community is at that point in time. Theoretically, as I understand it the community could be largely built out and occupied and then you would have a point where you have a change. That is another consideration."

Comm. Buttacavoli asked Director Specht to provide further information regarding the site plan application and asked why we are going over it again if nothing has changed from the original.

Mr. Specht replied, "They modified their site plan extensively, I believe they originally had eight buildings and now they have ten buildings with thirty units a building. They modified the location of the water and sewer mains. It is still age-restricted as it is right now."

Comm. Veni stated, "I don't see the difference from an engineering standpoint whether it is age restricted or not. They still have three hundred units and they are putting in 312 one inch water services."

Councilwoman Scaturro added that it was approved by the Council for sale with age restriction on it and the Planning Board has also reviewed it. It is a site plan that just needs your blessing on whether or not you can supply water. So whether it is age restricted or not I don't know that it really matters as far as your concerns go."

Chairman Bottazzi agreed with Councilwoman Scaturro stating that if we have the water supply and ability to treat sewer we have to grant out approval.

Comm. Veni made a motion to approve this application, seconded by Comm. Veni

AYES: Comm. McBride, Buttacavoli, Veni, Cartine, Bottazzi  
NAYS: None  
ABSTAIN: None

1963X Mr. Albert Weber, TVA Developers, LLC, Mill Street - Road Improvement Plan, Mill Street & Fifth Avenue, Preliminary & Final, 1 Residential

Comm. Veni stated, "This is an application for the construction of a single family residential unit on Mill Street and Fifth Avenue. The proposal is to extend 73 linear feet of 8 inch diameter PVC sanitary sewer lines, two sanitary manholes, and one four inch diameter PVC sewer lateral. Also extension of 150 linear feet of six-inch DIP water main, one regular fire hydrant and one-inch diameter water service to be constructed. This is a very small application. It is a minor subdivision and I recommend approval of it."

Seconded by Commissioner Buttacavoli.

AYES: Comm. McBride, Buttacavoli, Veni, Cartine, Bottazzi  
NAYS: None  
ABSTAIN: None

**8.3 Release of Performance Bonds - None**

**9. UNANTICIPATED/EMERGENCY CAPITAL EXPENDITURES - None**

**10. CUSTOMER ACCOUNTS RECONCILIATIONS**

In Director Pannucci's absence, Executive Director Lacey reviewed the customer accounts reconciliations as follows:

- a. Account 3042409-2. Arc of Ocean County, 143 Pier Avenue. A one-time water & sewer credit is recommended in the amount of \$1,312.74 due to a broken toilet. The average usage is 39,000 gallons and the quarter in question rose to 274,000 gallons. All repairs have been made and verified and the meter is in proper working order. The customer has paid the remaining balance of \$1,761.67.
- b. Account 12323200-0. Brian Kleman, 1651 West Princeton Avenue. A sewer credit is recommended in the amount of \$1081.58 due to a broken pipe and frozen frost plate in basement. The average usage is 0 for this time of year and the quarter in question rose to 193,000 gallons. This water did not go into our system. All repairs have been made and verified and the meter is in proper working order.
- c. Account 7996008-0, Vincent Lorenzo, 300 Brick Blvd. A one-time water & sewer credit is recommended in the amount of \$1,559.58 due to a broken toilet and running sink in a vacant unit of the strip mall. Average usage is 72,000 gallons and the quarter in question rose to 351,000 gallons. There is one meter for the whole strip mall. All repairs have been made and verified and the meter is in proper working order. The customer has paid the remaining balance of \$3,453.14.

Comm. Cartine questioned the conflict that we have with one meter and multiple stores in a complex. "We have two standards here and this one just happened to come up. Would anyone care to comment on that? Are we looking into that?" Comm. Cartine asked.

Mr. Specht stated, "This is an older strip mall and was prior to updating our rules and regulations. All new applications that come in whether they are new applications or improvements to existing facilities we now require separate services. If they came in with a major site plan we would have required them to update their building accordingly."

Comm. Veni made a motion to approve the customer accounts reconciliations, seconded by Comm. McBride

AYES: Comm. McBride, Buttacavoli, Veni, Cartine, Bottazzi  
 NAYS: None  
 ABSTAIN: Comm. Buttacavoli Item No. C Acct. 7996008-0

**11. Contract Closeouts - None**

**12. Authorization to Expend Approved Funds**

- a. Authorization to Purchase Chemical Grouting Material for the CCTV/Grout Truck from Avanti International in the Amount of \$5,215.00; Funding Source – Operating Account No. 803-8070, Repairs Sewer Main –

Mr. Specht stated, "This is an authorization to purchase chemical grouting material for our closed circuit television truck from Avanti International in the amount of \$5,215.00 from funding source Operation Account Number 803-8070. This is in order to continue with our annual grouting of

the sewer mains, laterals and manholes to control our inflow and infiltration into our sewer system. We need to purchase this material. We do it on an annual basis. The material only has under a one year shelf life so we purchase it in the spring and we make sure we use it up by November. This should get us through this fiscal year. This was sole sourced based on the equipment that we have. This is the grouting that they require for their equipment.”

Motion for approval by Comm. Veni. Seconded by Comm. McBride.

AYES: Comm. McBride, Buttacavoli, Veni, Cartine, Bottazzi  
NAYS: None  
ABSTAIN: None

- b. Authorization to Expend Funds in the Amount of \$16,945.00 by National Water Main Cleaning Company for the Lateral Repair at 196 Cedar Island Capital Project Nos. 897087C and 897087F -

Director Specht stated, “Authorization to Expend Funds in the Amount of \$16,945.00 by National Water Main Cleaning Company for the Lateral Repair at 196 Cedar Island Drive. I have two capital projects listed but I can only charge it to one which is the 897087F, since the other account has been closed out. What happened Mr. Chairman is that the PVC liner that we installed on Cedar Island Drive in our rehabilitation sanitary sewer project has shifted in the main and that caused a blockage of one of the sewer laterals at 196 Cedar Island Drive. We had to go in and cut the sewer lateral out so we had a full circle opening into the main and by doing that it caused excessive infiltration into our main so we need to get in there and do an internal repair. It is about ten to twelve feet deep. For us to do an external repair by setting well points it would be quite extensive. They do have technology now where they can perform the repairs internally to the pipe with the water still running into the main.”

Chairman Bottazzi questioned if we have a guarantee on the work from the contractor that did it last time.

Mr. Specht replied, “This was a concern at the Construction Committee and I discussed it with Mr. Dasti. The project was closed out in 2006 and the maintenance bond was for two years that expired in 2008. We are now in 2010 and what I really want to do because we have two other contracts that are still open with AM Liner, I wanted to utilize some funds that I had left over in these other two contracts and basically back charge them, however since the contracts maintenance bond has expired it would be difficult for us to regain those costs from AM Liner. At this time I am asking the board to make this repair.”

Chairman Bottazzi stated, “You are looking for \$17,000 for a job that was done already five years ago.”

Mr. Specht replied, “Yes and as a result we have extensive infiltration. Unfortunately we have to make this repair. I have not closed out AM Liner on the other two contracts and I intend to pursue some other issues that I have on his outstanding contracts but I would like to get this done right now.”

Counselor Koutsouris stated, “I understand that Mr. Dasti has been in touch with Mr. Specht but I also understand that it is apparently an issue that needs to be addressed with some urgency. I do intend



to discuss the matter further with Mr. Dasti about pursuing remedies and perhaps if the Board would like to discuss it in exempt session you can do that, but it does call for discussion as to litigation strategies so I would recommend that it be discussed in closed session.

Chairman Bottazzi asked Mr. Specht if he has discussed with the contractor that there is a problem and if he is interested in working together in the spirit of good will.

Mr. Specht replied, "We have called it to their attention and they are somewhat non-responsive concerning this. Our counselor has referred to, we are going to pursue this in other ways. I would just like to get authorization to expend this funding at this time so I can make these repairs because that infiltration we pay for to OCUA."

Chairman Bottazzi asked Frank Planko if there exists money in the budget for this work.

Mr. Planko replied, "Yes Mr. Chairman I discussed this with Mr. Specht today and we do have additional funding in this account to cover it."

Chairman Bottazzi advised that he fully understands that we need to correct this problem.

Comm. McBride made a motion to approve this action, seconded by Comm. Buttacavoli.

AYES: Comm. McBride, Buttacavoli, Veni, Cartine, Bottazzi  
NAYS: None  
ABSTAIN: None

- c. Purchase of two (2) replacement garage doors from Garage Door Express  
\$6,408.60, Funding Source: Capital Account #910003

Director Bundy explained, "We are going to replace two overhead doors in the maintenance garage. We had three quotes and the lowest is from Garage door Express for \$6,408.60 which includes installation. It is a budgeted project under Capital Account number 910003."

Comm. Veni added, "This was discussed at the Construction Committee meeting and these are energy saving doors because they have an inner door instead of opening the entire door you can just walk in and out through the pass through door. I recommended this purchase be approved."

Seconded by Comm. Buttacavoli.

AYES: Comm. McBride, Buttacavoli, Veni, Cartine, Bottazzi  
NAYS: None  
ABSTAIN: None

**13. Authorization to send out Bids, RFP's & RFO's**

- a. Authorization to go to go out to bid to purchase Aluminum Chlorhydrate (ACH) for FY 10/11 in conjunction with the Water Treatment Plant Alternative Coagulant Pilot Study

Director Maggio explained, "We are requesting authorization to go out to bid to purchase Aluminum Chlorhydrate for the remainder of fiscal year 2010-2011 to be used in conjunction with the pilot study to determine if its use in conjunction with other chemical processes change will lower our overall annual operating costs at the water treatment plant."

Chairman Bottazzi asked Director Maggio what he anticipates the cost will be. Director Maggio replied, "Based on current chemicals costs we conservatively estimate that over a one year period of time we could save upwards of \$38,000 with the changes."

Chairman Bottazzi asked, "This is the item that you are testing now?"

Director Maggio replied, "We have been doing bench top testing, which is basically a one liter water adding milliter and making sure it performs properly and determining an optimum dose for the plant. What we are proposing doing now is literally valving off the plant so it is cut in half. One half of the plant will operate with aluminum chlorhydrate and other chemical process modifications and the other half will operate as the plant does today. We will prepare the chemical usages after the six month pilot study. We are purchasing enough chemicals to last us through the end of fiscal year 10/11. It will be in excess of 100,000 gallons that the bid amount will be. It will explicitly state in the bid package that we are not bound to purchase anymore. If the pilot study is not showing the results we want and we decide that this will not give us a savings, we will pull the plug and stop purchasing the chemicals."

Motion to authorize this expenditure by Comm. Buttacavoli, seconded by Comm. Veni.

AYES: Comm. McBride, Buttacavoli, Veni, Cartine, Bottazzi  
NAYS: None  
ABSTAIN: None

**14. Reports**

**14.1 Executive Director's Monthly Report - James F. Lacey, CPWM**

Comm. Veni made the motion to accept the Executive Director's Monthly Report, seconded by Comm. Cartine.

AYES: Comm. McBride, Buttacavoli, Veni, Cartine, Bottazzi  
NAYS: None  
ABSTAIN: None

**14.2 Personnel**

Chairman Bottazzi asked if there were any questions on Personnel. If so then we will discuss it

in closed session.

Comm. Cartine asked, "On one of the seasonal hires, everyone else is at \$9.00/hour and one person is at \$11.00/hour. Is there a reason for that?"

Chairman Bottazzi replied, "Yes he is going to be doing different work. He is going to be working with the GIS. He has been with us for quite a long time. He is now going to college. It was felt by the Director, myself and Director Bundy that he could be used in the GIS Department so we provided the \$2.00 raise."

Comm. Cartine asked if there are other seasonal hires that are also returning.

Director Lacey advised, "There are but they are in the same positions that they were in."

Comm. Cartine stated, "So we have some returning at the same salary they made last year and one person is going up \$2.00?"

Director Lacey replied, "Yes, going to a different position though."

Comm. Cartine stated, "That is not acceptable to me."

Counselor Koutsouris advised that this matter should be continued in closed session since we are starting to touch on specifics.

## **15. OLD BUSINESS**

### **15.1 Authorization to Proceed with the Phase I Energy Conservation Measure Implementation Plan Associated with the Local Government Energy Audit**

Mr. Specht advised, "On this item Mr. Chairman, I am looking for the authorization to proceed with the Phase I Energy Conservation Measure Implementation Plan associated with the Local Government Energy audit. I sent a substantial package to the Alternate Energy Committee as well as the Construction Buildings and Grounds Committee with the audits that were compiled by Concorde Engineering Group. They made numerous recommendations totaling in excess of, and this is in my monthly report also, up to \$1.5 million. The way our contract has been set up with the BPU, we would get 75% reimbursement upon completion of the energy audit. Concorde Engineering was \$38,049. We have requested that 75% reimbursement from BPU in the amount of \$25,000. If we implement some of the energy conservation measures we can also get reimbursed for the additional \$8,500 that we outlaid. At this time I am recommending that we move ahead with Phase One. Again it is some minor energy conservation measures. Most of it is lighting control and lighting upgrades. We are not looking to change hot water heaters, pumps, motors. We are looking to spend in the magnitude of \$8,500 so we can get reimbursed from the State for that money. All the work will be done in house with our staff so basically what we would be talking about is material cost."

Comm. Cartine asked, "Are we in a position to make any type of prediction as to what kind of energy savings costs you would have at this time?"

Mr. Specht replied, "There was a spreadsheet that was prepared and that basically provided a summary of what the energy cost savings would be. For instance, the lighting control upgrade in this administration building installation costs is \$7,141.00, and the energy cost that you would save annually would be \$1,252.00. So this would have a payback in 5.7 years. So anything under ten years is a good deal. That is what we are considering."

Comm. Cartine sated, "My point is this, in consideration that we go to the public if you were spending this kind of money to save energy what are your cost savings over a period of time? We should be prepared for that with an answer."

**15.2**      Update of the Site Feasibility Study for the Wind Energy System at the William Miller Jr. Water Treatment Plant and the Brick Reservoir

Mr. Specht stated, "This is to provide an update on the site feasibility study for the wind energy system at the William Miller Jr. Water Treatment Plant and the Brick Reservoir. T&M back in July of last year completed their Phase I analysis and now we are looking to proceed with Phase II. What I would like to recommend to the board is that upon completion of phase II there was also discussion about incorporating the public works facility into the Reservoir wind energy system. T&M gave us a price back in December but I am recommending that what we do is proceed with phase I evaluation of the public works facility for \$3,250. Upon completion of that analysis proceed with the Phase II site feasibility study for the Reservoir for the additional \$13,415.00 that was approved previously by the board of commissioners. If the site feasibility study for the public works is also deemed acceptable we would also proceed with that under Phase II."

Chairman Bottazzi stated, "I think we are getting ahead of ourselves. My discussion with you on the telephone some time last week is that we want to first find out if there is a necessity for us to have a utilities license. We don't want to go and spend money on a study with T&M if they are going to tell us that we are going to have to be a licensed utility company like JCP&L."

Director Specht replied, "Back in August of last year T&M did an analysis on this and the way the climate is now with this renewable energy, the memo was sent out to the Renewable Energy Committee on May 11<sup>th</sup>. They did a quick analysis and what they basically said is that there are probably going to be changes in the future where you can connect, right now there is language where you can't cross a public right-of-way to get to another facility. They do anticipate language coming out in the future that says you can connect through a public right-of-way to a facility. The only problem with us is that we have two separate owners. We have the Township of Brick and Brick MUA, so that is going to have to be investigated a little more. The BPU is considering a rule that would permit governmental agencies to net meter all public accounts within a jurisdiction so they are considering that right now. I will follow up on this to see if they have made any movement, but again I was just looking for direction from the board."

Chairman Bottazzi stated, "I don't have a problem with them continuing the study, Part II so to speak. I don't want them to waste a lot of time on doing the study across the street with Silvi, or the Township Garage or even the church behind us if it is something we can't pursue because of the BPU rules."

Director Specht replied, "We have two avenues we can take. First of all we are not going to proceed with any wind energy system at the water treatment facility down here. That is off the books. Now we are strictly going to look at the Reservoir and we can proceed two ways. We can do a phase one study for public works which would basically straighten this issue out for \$3,000, and then if we come to an agreement where we can now provide or link the public works facility to our facility we can possibly move forward with two windmills instead of one. And then proceed with Phase II of the site feasibility study for both projects."

Chairman Bottazzi advised that he is in favor of granting permission to proceed in this regard. Seconded by Comm. Veni.

Comm. Cartine stated, "We completed Phase I and when I attended the meeting where we got the facts and figures we had decided officially or unofficially that the feasibility was not there. Possibly the Reservoir but it was still in question. If anything it was going to be a weak process and wouldn't deliver the kind of energy savings we wanted as I remember. Now we are at Phase II and I was unaware there was going to be a phase II. How did that come into being?"

Director Specht advised, "I am bringing it forward now."

Comm Cartine continued, "Ok so there was never any phase II at the time that particular..."

Director Specht replied, "No it was a two part analysis. Do a preliminary analysis of the two sites. The Reservoir and the Water Treatment facility. If the recommendation comes back that it is feasible at both sites we will proceed with Phase II. I have it built into their proposals the Phase II site."

Comm. Cartine stated, "So what you are saying now is there is a new wrinkle. There is something that is entering into this formula that we didn't discuss under Phase I."

Chairman Bottazzi advised that we now have a monotype pole available.

Director Specht advised, "It is still extensive. It is not going to be as big as obviously the wind turbines down at Atlantic City because they are 1.2 mega watts, and we are building a 50 kilowatt. With regard to the Reservoir itself, it was always recommended to proceed with the Phase II and not even taking into consideration the Public works right now, considering Phase II for the Reservoir because the simple payback on building at least kwh wind turbine was probably about ten to twelve years so it was recommended that we proceed with Phase II which was the site feasibility study. You look at the environmental impact you look at the prevailing winds a little more that type thing. The new wrinkle was that public works is right around the corner and let's see if we can incorporate them into our system. Instead of building a 150 kilowatt turbine which would be enough to handle the load that is presently at the Reservoir, maybe we could build 250 kilowatt that would also support the Public Works Department. It is up to the board if they want to proceed with including the Public Works. Right now a Phase I analysis of Public Works is \$3,250.00. I will come back to the board if they come back and say don't proceed with Phase II on the Public Works Facility then I would recommend to the board we proceed with Phase II on strictly the Reservoir."

Comm. Cartine inquired, "You said they would have to relax their requirements in order to allow us to do that? Is this rulemaking? What office are we talking about?"

Mr. Specht replied, "The New Jersey Office of Clean Energy which is a subsidiary of the BPU. From what I understand it is rulemaking."

Comm. Cartine continued, "From what I understand, BPU is very interested in making it somewhat easier by relaxing some of these regulations that really prevent us from being environmentally sound."

Counselor Koutsouris stated, "Mr. Chairman 15.1 was not acted upon so we should make it clear if we are acting on both together under old business or if you are going to act on them separately."

Chairman Bottazzi stated, "Ok for the record 15.1 and 15.2 will be voted on together. Can I get a motion to approve these actions?"

Motion by Comm. Veni, seconded by Comm. Cartine.

AYES:           Comm. McBride, Buttacavoli, Veni, Cartine, Bottazzi  
NAYS:           None  
ABSTAIN:       None

### **15.3           Authorization to Utilize Reservoir**

- a.       *Church of the Visitation – St. Vincent DePaul Society* – We received a completed Special Use Permit from Helen McTernan. She is requesting use of the reservoir site for a walk-a-thon, as they have for the past two years. The event is proposed to take place on Saturday, September 25, 2010, beginning at 9:30 a.m., with approximately 30 participants.
- b.       *The Yoga Attic – Summer Solstice Free Yoga Class* – We received a completed Special Use Permit from Karen Kozlowski of the Yoga Attic. She is requesting use of the reservoir site for free yoga class on June 20<sup>th</sup>, 7:00 – 8:30 p.m., with approximately 15 participants.

Director Bundy stated, "We have two requests to utilize the Reservoir for special events. The first is the Church of the Visitation requesting the third time to use the Reservoir for a walk-a-thon to raise money for underprivileged residents. They usually get around thirty or forty people and it works out fine. We have received everything."

Chairman Bottazzi stated, "Commissioner Cartine had a question about this the last time it came up." (Referring to the request by The Yoga Attic.)

Comm. Cartine stated, "This is very interesting because this seems to be a new wrinkle. Previously she was charging the customers and using the Reservoir to teach yoga and I didn't think it was proper for us to use the site for commercial purposes. Now she comes and she says this is going to give a free class. Obviously the class is there to generate business in the future. This is the way I look at

it. I'll go any way the board wants to on this, but I thought it was kind of tacky personally that she would try it again but using a new wrinkle."

Chairman Bottazzi stated, "What I had said here was we can give it a shot."

Director Bundy stated, "The request is from the Yoga Attic LLC. She is asking for a one time summer solstice yoga class. Apparently in the yoga world that is a big thing. She sent me information about what they do in New York City. They actually close off times square on the summer solstice. She has also given us an insurance certificate and a release form that the students will sign."

Motion was made to approve the two requests to utilize the reservoir by Comm. Cartine, seconded by Comm. Buttacavoli.

AYES: Comm. McBride, Buttacavoli, Veni, Cartine, Bottazzi  
NAYS: None  
ABSTAIN: Comm. Buttacavoli 15a

**16. NEW BUSINESS**

None

**17. RESOLUTIONS**

40-10 A Resolution for Award of Bid for Pipe and Appurtenances

Director Specht advised, "This is a resolution for the award of a bid for the pipe and appurtenances. This is our annual bid. This year we had sixty five items that we requested a bid on. We are looking to award \$19,304.61 to Atlantic Plumbing Supply Corp., \$13,042.73 to Cutter Drill & Machine Inc., \$755.93 to HD Supply Water Works. One item was not awarded, item number 46 due to an incorrect shaft size on the bid document. I would recommend awarding these various capital and operating accounts that these parts will be charged to."

Comm. Cartine made a motion to adopt this resolution, seconded by Comm. Buttacavoli.

AYES: Comm. McBride, Buttacavoli, Veni, Cartine, Bottazzi  
NAYS: None  
ABSTAIN: None

45-10 A Resolution Accepting and Approving Execution of a Deed of Easement Agreement Affecting a Portion of Block 382, Lot 6 (formerly Block 380, Lot 6), Brick Township, New Jersey

Mr. Specht advised, "This resolution was drafted by Mr. Dasti and it is in regard to developer application number 2041 which is the Brick Blvd. Plaza. The owner is Alexander Hartstein of Lakeview Estates in Brick. The reason we are coming to the board to approve the easement is there is some language changes to our standard easement document that we have utilized in the past. This utility easement is

for the proposed 8 inch diameter sanitary sewer extension from the Brick Blvd. Plaza Major Site Plan to the existing sanitary manhole, which is located at Block 382, lot 6 property on Brick Blvd. This is simply to memorialize the modifications to the easement documents. Based on conversations that Mr. Dasti had with the applicant.”

Comm. Veni made a motion to adopt Resolution No. 45-10, seconded by Comm. Cartine.

AYES: Comm. McBride, Buttacavoli, Veni, Cartine, Bottazzi  
NAYS: None  
ABSTAIN: None

46-10 A Resolution Terminating the Appointment of CMX as Authority Grantsman

Counselor Koutsouris stated, “The Authority entered into a contract with CMX for grants man purposes. The board may be aware CMX is no longer in business and cease to exist so this resolution in effect authorizes termination of the contract with CMX that no longer exists. At that point in time there would be no person or entity providing grantsman services to the Authority.

Motion to adopt Resolution No. 45-10 by Comm. Veni, seconded by Comm. Buttacavoli.

AYES: Comm. McBride, Buttacavoli, Veni, Cartine, Bottazzi  
NAYS: None  
ABSTAIN: None

## **18. PUBLIC DISCUSSION**

Chairman Bottazzi stated, “This is the time we open the meeting up to the public for discussion. If there is anyone here who wishes to speak, please rise, give your name and address and we would be happy to hear you.”

A member of the audience addressed the board as follows, “Mr. Chairman my name is Paul O’Finan. I am a resident of 175 John Street. I came here to talk about something else but since this topic came up earlier I thought I had to say something about spending our precious resources by sending a truck and paying double time for employees to entertain people in Lakewood. This is not Brick Town, it is for Lakewood. I am not sure why...”

Chairman Bottazzi interrupted Mr. O’Finan, “OK I will let you in on a secret. We have been in quite a few discussions with Lakewood MUA and they don’t have enough water for as fast as they are growing. We have quoted them some prices and it may be a good idea since it would be a home run for us if we were able to sell them one to two million gallons of water a day.”

Mr. O’Finan rejoined, “It sounds to me like you have a captive audience over there. My point is when I was in the Marine Corps, I was in recruiting and we used to go to events because we



would try to promote the Marine Corps. We did go to places and do a dog and pony show because we were trying to recruit people to join the Marine Corps. I don't think we have to recruit kids from a Jewish school to buy our water. I think that is a waste of our taxpayer dollars. If Lakewood needs our water, and we offer a good price for them to buy it, it is that simple. We don't need to go out promoting it. We don't need to put up billboards, run radio or television ads to tell people in Lakewood to buy our water. Save our money for capital improvements that we have to make. Why spend double time. You know they are not doing it on a Saturday because that is their holy day. You shouldn't be spending that kind of money in a recession with people out of work."

Chairman Bottazzi stated, "I think most of the board agrees with you. Thank you for your opinion."

Mr. O'Finan stated, "My next issue is regarding the contractor liability. It is a simple answer. Is there an express or implied warranty? If there is an express warranty then force the warranty. This contractor is liable for what he sold us..."

Chairman Bottazzi stated, "Are you going to tell us tonight how to run the MUA or are you here to talk to us about smoking at the Reservoir?"

Mr. O'Finan replied, "I am here to give my opinion as a resident of this town and a taxpayer. If you need help running it though I'd be happy to volunteer my advice to you. My point is this, if we have a contract with this guy, and he sold product to us and it is under warranty then .... I heard from the discussion that we weren't sure what this guy's obligation is and he was thinking about holding back money. They don't know. I think find out. If the guy owes us money then make him pay it, if he doesn't then move on, but they should know what. I would think that if I wrote a contract with somebody that I would know whether or not the guy had liability in case the thing failed after two years of service."

Mr. O'Finan stated, "I came here tonight to ask the Board to ban smoking at the Reservoir. It is time to ban smoking at the Reservoir. The Reservoir is a public accommodation and under the Americans with Disabilities Act, and other laws offered by the State of New Jersey, you must accommodate people with disabilities. Respiratory illness is a recognized illness in the Americans with Disabilities Act. The US Supreme Court has ruled that you must accommodate someone with this disability, when it comes to smoking. If you cannot provide them a ventilated area that has no smoke in it then you have to ban smoking completely. People are walking around that Reservoir for exercise and fresh air. It is ridiculous to have to walk around that reservoir, especially for people who have asthma, and other lung diseases. They have as much right to be out there and have to be accommodated, yet we allow smoking. The people that smoke out there throw their cigarette butts around and you have to clean them up. Not to mention when you are running around that Reservoir you don't want to breathe in second hand smoke. It is toxic and it bothers people with disabilities. The State of New Jersey passed a law in 2004, to stop smoking in public. You as the owner of that Reservoir have the right to ban smoking by posting signs which would make it illegal to smoke at the Reservoir without any action by the Town Council. It would help if they did get involved also, but you as the controlling authority of that Reservoir have every right to ban smoking and it is time that it was done. The State of New Jersey has recognized that smoking is hazardous to health that is why it was banned in the workplace throughout the state of New Jersey indoors and outdoors. Meridian Health just across the street, they have banned smoking on their campus so if you light up a cigarette on the campus of the Brick Hospital

you are now committing a crime subject to a fine of \$200. The same can be done for the Reservoir, because again it is a place where people with respiratory illnesses want to be able to go and walk around the place and enjoy the facility without having to breathe in second hand smoke. The point I am making is that it is for the health of the people that want to go there and you have a legal obligation to accommodate people with disabilities and there are plenty of people who avoid it because they know they can't go there without having to breath in second hand smoke and it is simply wrong. Thank you Mr. Chairman.'

Chairman Bottazzi stated, "Thank you for your input and advice."

There being no further business to discuss, Chairman Bottazzi advised that the board would go into closed session.

Counselor Koutsouris stated, "Mr. Chairman, at this time the board should consider adopting a resolution entering into closed session to discuss matters of personnel, as well as potential litigation. The minutes of that exempt meeting should remain confidential until the need for confidentially no longer exists."

Motion to enter closed session by Comm.Buttacavoli, seconded by Comm. Veni.

ALL IN FAVOR

At 8:20 p.m. the board entered exempt session.

At 8:35 p.m., on motion duly made and seconded, and all in favor, the board returned to open session. Counselor Koutsouris provided the following minutes of open session.

#### MINUTES OF REOPENED SESSION

A motion was thereafter made by Commissioner Cartine to accept and approve the Personnel Report of the Executive Director, as modified in closed session providing for rate of pay increases for summer seasonal re-hires. This Motion was seconded by Commissioner McBride. The motion was unanimously carried, with Commissioner Veni abstaining from the vote.

A motion was thereafter made by Commissioner Cartine to authorize Authority Pool Engineer T&M Associates, previously appointed by Professional Services Agreement to provide professional services as assigned, to assume Grants man duties in light of the fact that CMX has ceased operations. This motion was seconded by Commissioner McBride. The motion was unanimously carried, with Commissioner Veni abstaining from the vote.

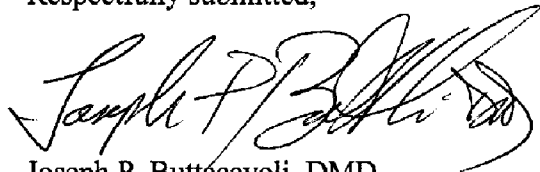
#### 19. CHAIRMAN'S CLOSING STATEMENT

*Chairman Bottazzi read the following closing statement, "The next regular meeting of the Authority will be a Public Meeting on Monday, June 21, 2010. All meetings begin at 7:00 p.m., unless otherwise specified and take place in the Main Conference Room of the Authority's Administration Building located at 1551 Highway 88 West.*

**20. ADJOURNMENT**

At 8:40 PM a motion was made to adjourn the regular meeting by Commissioner Veni. This motion was seconded by Commissioner Cartine. The motion unanimously carried. The meeting was concluded at 8:40PM.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joseph P. Buttacavoli". The signature is fluid and cursive, with a large initial "J" and "B".

Joseph P. Buttacavoli, DMD  
Authority Secretary

*JPB/mas*