

Minutes of a PUBLIC MEETING of  
The Brick Township Municipal Utilities Authority Held on  
June 27, 2011 beginning at 6:00 p.m.

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

**2. CHAIRMAN'S OPENING STATEMENT**

Chairman Veni called the meeting to order and read the following statement: *"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 3, 2011 in the Asbury Park Press. 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**

Joseph Buttacavoli, DMD	Present
Allan E. Cartine	Present
John A. Catalano	Present
Patrick L. Bottazzi	Present
John Ciocco	Present (arrived at 6:10 p.m.)
Edward J. McBride	Present
Joseph M. Veni, PE	Present

**Staff & Consultants Present**

James F. Lacey, CPWM, Executive Director  
Stephen T. Specht, PE, Director Engineering/Operations  
Frank Planko, CFO  
Joseph Maggio, PE, Director of Water Quality  
Scott Bundy, Director of Central Services  
Marie Sylvester, Executive Supervisor  
Greg McGuckin, Esq., Authority General Counsel  
John S. Truhan, PE, Authority Consulting Engineer  
Frank B. Holman, Authority Auditor

**4. Directors' Reports**

a. **James F. Lacey, CPWM, Executive Director**

Director Lacey stated, "As submitted I have quite a few things for exempt session. We have Trinity Church, some contracts, possible litigation and personnel so that is where we are at. If there are

any questions on my report at all I will be happy to answer them. . A lot of it is gleaned from the other directors' reports, but I will answer anything you like."

b. Stephen T. Specht, PE, Director of Engineering/Operations

Director Specht stated, "Yes Mr. Chairman, I have a few items in exempt session. We have one contract close out scheduled for this evening with the parallel sewer underneath the Garden State Parkway. Caruso Excavating has completed the project and submitted their bonds. New Jersey Turnpike Authority has given their final approval, as well as the NJDEP so we are going to close that contact out. Also I am still in discussions with the Borough of Bay Head on a potential shared services agreement for some engineering and construction management work on their Route 35 corridor. The NJDOT is planning a reconstruction of Route 35. It has been on the books for probably the last ten years, but it may be coming to fruition in the near future and the Borough may want us to perform some engineering work for them. As soon as the Borough approves the shared service agreement I will bring it to the Board for your approval and then we will have to send it to the Town for their approval. Hopefully I will have it by the end of this month maybe even by July 5<sup>th</sup>."

Counselor Dasti added, "A shared services agreement has to be approved by the Town. There is no use asking them unless we know we have one from the other town that we are going to share the services with. Bay Head, then us, then the Township, but we don't ask the Township to approve it until we know we have a signed agreement."

Director Specht continued, "The only other item I have is I am asking for authorization to proceed with design and construction of a new water main replacement on Fort Street which is in the Laurelton park area right off Forge Pond. The Township is proceeding with a road reconstruction and paving project. They will be installing a new storm drain system adjacent to our two inch water main. We have miles and miles of undersized water mains throughout the Township. It seems like this would be a good time to do this to eliminate any paving costs since the Township will be paving the road also. It is a two inch water main and we would be looking to upsize it to a six inch water main to meet all the NJDEP and DCA requirement. My estimate for that work is about \$110,000. It is about 1,000 feet of water main and some interconnects with existing cross streets, a few fire hydrants, and we are looking about reconnecting about 15 to 20 homes in that area. We obviously have to get a funding source for that and I am recommending that depending on how we move along with the Trinity Church maybe we can get some money out of the Reservoir Parking Lot capital budget. We have approved about \$760,000 right now. The only other issue is the Ocean County Sea Avenue pump station. Back in late 2010 we went to the County and told them that their dewatering pumps need to be replaced. They have been in service close to 15 years. They authorized a purchase order for \$40,000 and they authorized us to go out to bid for them and the bids came in around \$49,000. They indicated to us that they would increase their purchase order to match the price by the bidder, so I will look to the Board as the agent for the County to proceed with the purchase and installation of those pumps so that is also on the agenda."

c. Frank Planko, Chief Financial Officer

Director Planko stated, "Initially we planned on presenting the audit to the Board at this meeting. Now we are going to present it at the next meeting in July. The Finance Committee will be meeting to talk about it at our July 15<sup>th</sup> committee meeting. We also have two resolutions on the agenda this evening. The first is the cash management plan. That is our normal process to adopt that plan each

June. It is a requirement that is looked for in the audit. That will be on the agenda. Last month we talked about the arbitrage calculations with the Board and what it entails. The Finance Committee reviewed that further at our last meeting in June and we have a resolution appointing Holman Frenia to perform that calculation. Director Bundy and Director Maggio mentioned a few items that they have on the agenda under number 15. All those projects that were mentioned are in fact funded in our budget. Director Specht mentioned the water main replacement project, and we talked about that and I am in concurrence with him that if we pass the resolution for the parking with Trinity, I think that would be a good place to source the money for that project.”

Chairman Veni stated, “If you couldn’t take the money from the parking lot account where else would you get the money from?”

Director Planko advised, “Then we would have to sit down and look at other line items and see where one or the other department heads could cut back on some line items, but right now that is the most likely spot in my conversation with Director Specht.”

Chairman Veni asked Director Lacey, “Are you personally working on the emergency generator or is it Steve and Scott?”

Director Lacey replied, “I am working on it with Director Maggio and Engineer Specht. We are trying to get a price now for it and we are aware of it and discussed it at today’s director’s meeting and hopefully we will have an answer before next meeting.”

Chairman Veni stated, “To Steve and Scott if you could do me a favor and revisit the original drawings we had for the renovation out here and give me a punch list of what wasn’t done, or what extra we did. Scott I have to talk to you about several things that I think are missing and I would like to get that resolved. Does anyone want to speak up for Frank Pannucci? Seeing none we will go on.”

Comm. Catalano stated, “I know we had conversations a couple of meetings back about new security cameras and such where is that going to be discussed?” Chairman Veni advised that would be in exempt.

d. Joseph Maggio, PE, Director of Water Quality

Director Maggio stated, “This month we have two requests for authorization to expend approved funds. One for the replacement of our Tekmar Total Organic Carbon Analyzer instrument in the laboratory and the other is for the refurbishment of ABB variable frequency drive which is used to control our transfer pump no. 1. Those will be discussed later. Since the last meeting we have been buttoning up on maintenance activity in anticipation for high demand season at the plant including finishing cleaning some basins and adding anthracite to our sand filters. So far the weather has put a little bit of a damper on demand compared to last year. We are hoping for a much hotter and dryer summer and higher demands. A couple of months ago the Board approved a resolution authorizing us to enter in a grant agreement with NJDEP whereby they would be providing us with \$92,740.00 to study the presence of Perfluorinated Compounds (PFCs) in the Metedeconk River. During the month we received those documents and Executive Director Lacey did sign them. I received word from DEP today that all the DEP and State officials have signed it so we are looking forward to starting on that project soon.”

Chairman Veni asked Director Maggio if he takes care of the Hazmat Committee and Director Maggio replied affirmatively.

Chairman Veni asked when the last time they had a meeting was. Director Maggio replied, "I believe it was two or three months ago."

Chairman Veni questioned Director Maggio why we are not having monthly meetings. Director Maggio replied, "I would have to say it has essentially been business as usual. The team has done some training exercises and we do meet internally regularly however there hasn't been anything. No additional equipment. There has been actually one of our team members just Friday completed a two week New Jersey State Police Hazardous Material Operator class. We will have a meeting next month for sure."

Comm. Catalano asked, "The money coming from the DEP for the study when will that come? Do you have any idea?"

Director Maggio replied, "I just got word today that they signed the agreement and I'm hoping within the next month. As far as the money coming in, I believe it is a reimbursement similar to our watershed grant where we will pay and they will reimburse us. I discussed that mechanism with Director Planko."

Chairman Veni asked, "Today or I guess it was yesterday, I was looking at something and there was a company that increased their dollar value for a particular chemical. Did you get that today?"

Director Maggio replied, "All of our chemical contracts are locked in for the year with the exception of ammonia. We do go out to bid for ammonia every year but we never receive a response. We do have to go and three price it when we do need to purchase it. Because ammonia is so integral a part of the agricultural mystery as a fertilizer, or as a component of fertilizer, it does have a very volatile price. I don't recall that letter passing my desk, but it is quite possible it was ammonia and that would be the only chemical that would fluctuate. Those prices since I have been here have gone up but they also went down. They do go up and down. It is not always straight up like everything else."

e. Scott Bundy, Director of Central Services

Director Bundy stated, "Yes I have four items for approval tonight. First is the approval for the purchase of an attenuator trailer mount that I reviewed with the Construction Committee. I have imaging software and hardware support contracts for approvals. We have a closed session Trinity Church item to talk about and I have a change order for Bowne Management. They are the ones that did our system architecture for the GIS. In mid contract we got the fiber optic and they had to do some changes and then I explained that to them. Two other things I just wanted to point out real quick. We are looking at replacement of the phone and access card system. We have been pretty active in that. As I have discussed with you it is something that needs to be replaced fairly soon so we have been looking at the various systems so we have been narrowing down to the ones that look like they fit our needs. Second is we are working with Mr. Truman's office to do some site improvements here for parking. We have a preliminary plan and he is trying to get an appointment with DEP to review that with them to see if we need to get a CAFRA Permit."

**5. Commissioner Committee Reports**

a. Construction, Buildings & Grounds Committee

Comm. Buttacavoli stated, "Well for the sake of brevity there is not much more I can add to what Directors Specht Maggio and Bundy already covered, except to mention that we have three preliminary applications on the agenda today as well as three performance bond releases and everything else they mentioned was on our meeting."

b. Finance Committee

Comm. Catalano stated, "We had a meeting on the 17<sup>th</sup> and we discussed the arbitrage calculations again. I had asked Frank to go out and get a couple of other bids and he did and the Holman bid is right at the price where we need to be along with another firm from New York who really don't know what we do or how we do it. But they came in at the same price, and the Finance Committee thought that since the Holman firm has been onboard here and knows our procedures, and the price was right that we decided to give them those calculations. I know Frank will do a great job. Mr. Planko told you that the audit we will have at our July Finance Comm. Meeting. Trinity Church we talked about that will be in exempt. Mr. Planko also talked about his cash management report. The only other thing we did was we set the monthly meetings up until December."

c. Rate Committee

There was no Rate Committee Meeting.

d. Reservoir Committee

Director Bundy advised that the Reservoir Committee did not meet because there was no reason to.

e. Watershed Committee

Comm. Cartine stated, "The Watershed Committee didn't actually meet last month but they have been active with regards to meeting with the New Jersey DEP which took place on May 24<sup>th</sup> and our project team presented their data to them and task two and task three are about to be completed. The stakeholders are involved with the final analysis that will be projected in hopefully the mid-July meeting to take place. In essence this is Joe Maggio's project if you will, and I know that the stakeholders and those people involved in the project are on top of this, and we should be seeing some results from the research and analysis that is being done presently."

f. Alternate Water Source/Energy Committee

Director Specht advised, "We did not meet this month Mr. Chairman. However, T&M has finalized the wind turbine study and I will be forwarding that to the Committee at the end of this month or early July. We will have a committee meeting to discuss that."

g. Hazmat Liaison/Committee

Chairman Veni advised that we already discussed that there was no Hazmat meeting.

h. Security Committee

Chairman Veni advised that the Security Committee Report will be in exempt session.

**6. EXEMPT SESSION**

*(Personnel, Contracts & Potential Litigation Only)*

Counselor Dasti advised, "We need a resolution to go into exempt session to discuss issues of personnel, litigation, and contracts and therefore the minutes will be kept private and not disclosed to the public until the need for confidentiality no longer exists."

Motion to go into closed session by Comm. Bottazzi, seconded by Comm Catalano.

AYES: Commissioners Buttacavoli, Cartine, Catalano, Bottazzi, Chairman Veni  
NAYS: None  
ABSTAIN: None

**7. APPROVAL OF MINUTES**

Comm. Bottazzi made a motion to accept the minutes of the May 23, 2011 meeting. Seconded by Comm. Catalano

AYES: Commissioners Buttacavoli, Catalano, Bottazzi  
NAYS: None  
ABSTAIN: Chairman Veni, Comm. Cartine (not present at meeting)

**8. CORRESPONDENCE - NONE**

**9. APPROVAL OF BILL RESOLUTION**

Comm. Bottazzi read the Bill Resolution dated June 27, 2011 in the total amount of \$1,325,478.34 broken down as follows:

Total Operating Vouchers:	\$392,780.52
Total Payroll:	899,571.95
Total Capital Vouchers:	30,610.52
Escrow:	2,515.35

Comm. Bottazzi made a motion to approve the Bill Resolution. Seconded by Comm. Catalano

AYES: Commissioners Buttacavoli, Cartine, Catalano, Bottazzi, Chairman Veni  
NAYS: None  
ABSTAIN: None

## **10. TREASURER'S REPORT**

Comm. Cartine read the Treasurer's Report balances for the month ending May 31, 2011 as follows:

### **Unrestricted Funds:**

Total Revenue Funds:	\$10,730,816.66
Total General Funds:	252,609.57
Total Unrestricted Funds:	10,983,426.23

### **Restricted Funds:**

Series 2002 Construction Fund	100,892.15
Rate Projection Maintenance Fund:	3,591,000.00
Future Capital Requirements Fund:	2,335,157.69
Working Capital Fund:	1,621,464.21
NJEIT Processing Fund:	2,307,143.82
Total Bond Funds:	12,714,082.47
Total Other Restricted Funds:	1,827,409.18
Total Restricted Funds	24,497,149.52
Total of All Fund Accounts:	35,480,575.75

Comm Cartine made a motion to approve the Treasurer's Report. Seconded by Comm. Catalano.

AYES: Commissioners Buttacavoli, Cartine, Catalano, Bottazzi, Chairman Veni  
NAYS: None  
ABSTAIN: None

## **11. DEVELOPER APPLICATIONS**

Comm. Buttacavoli presented the following Developer Applications for approval.

### **11.1 Preliminary Applications - No Further Action Required**

2095 Mr. Daniel Redmond, Minor Subdivision – NJ State Highway Rt. 35 South,  
443 NJ State Hwy. 35 South, Preliminary, NFA, 2 Residential

Comm. Buttacavoli made a motion to approve Developer application No. 2095. Seconded by Comm. Bottazzi.

AYES: Commissioners Buttacavoli, Cartine, Catalano, Bottazzi, Chairman Veni  
NAYS: None  
ABSTAIN: None

11.2 Other Applications

2090 Mr. Thomas Manzo, Manzo Organization of Brick, LLC, Major Site Plan Shoppes at Brownstone Square, Mantoloking Road & South Dock Road, Final, 7 Commercial Units

Comm. Buttacavoli made a motion to approve Developer application No. 2090. Seconded by Comm. Catalano

AYES: Commissioners Buttacavoli, Cartine, Catalano, Bottazzi, Chairman Veni  
NAYS: None  
ABSTAIN: None

2096 K-Land Corporation #2, Inc., Major Subdivision – Woodmere @ Howell, Ramtown – Greenville Road, Howell Twp., Preliminary, 23 Residential

Comm. Buttacavoli made a motion to approve Developer application No. 2096. Seconded by Comm. Bottazzi.

AYES: Commissioners Buttacavoli, Cartine, Catalano, Bottazzi, Chairman Veni  
NAYS: None  
ABSTAIN: None

11.3 Release of Performance Bonds

Director Specht reviewed the Release of Performance Bonds as follows:

1508 Cedar Village Developers, LLC, Cedar Village – Sections 3,4, & 5, Impatiens Court, Orchid Lane, Honeysuckle Court, Sunflower lane and Morning Glory Court, Release of Performance Bonds

Comm. Bottazzi made a motion to approve this action. Seconded by Comm. Buttacavoli.

AYES: Commissioners Buttacavoli, Cartine, Catalano, Bottazzi, Chairman Veni  
NAYS: None  
ABSTAIN: None

1912 Mr. Jack Mandelbaum, MCH Developing, LLC, Sweetbriar Village, Herborn Avenue, Sweetbriar Lane & Joyce Court, Release of Performance Bonds

Comm. Bottazzi made a motion to approve this action. Seconded by Comm. Buttacavoli.

AYES: Commissioners Buttacavoli, Cartine, Catalano, Bottazzi, Chairman Veni  
NAYS: None  
ABSTAIN: None



**12. UNANTICIPATED/EMERGENCY CAPITAL EXPENDITURES**

**a. Authorization to Proceed with the Design and Construction of the Water Main Replacement on Fort Street**

Director Specht advised, "As discussed earlier this evening, I am looking for authorization to proceed with the design and construction of the water main replacement on Fort Street in conjunction with the Township of Brick' Laurelton Park road improvement project where they are installing approximately 1,100 feet of 15 inch storm drain adjacent to our 2" water main. My engineering estimate is approximately \$110,000 without the paving, and with the paving cost it's approximately \$30,000 that we would be saving if we proceed with this work right now. Again funding source potentially is the parking lot at the Reservoir. We may be looking to enter into a shared services agreement with the Township to do this work similar to what we did on Glenwood Avenue, but I want to get the Board's approval to go forward with this."

Comm. Bottazzi asked Director Specht to explain why we would be saving \$30,000 on asphalt if we move on it now.

Director Specht advised, "We would be saving \$30,000 on asphalt because the asphalt will be performed in conjunction with the Townships' paving project."

Comm. Bottazzi stated, "Thank you. What I'm trying to get across to the Board and the people here is that by moving now we will have our work done and when the Township comes in and does the paving we saved \$30,000. I give you credit for that. I would make that motion."

Seconded by Comm. Buttacavoli

AYES: Commissioners Buttacavoli, Cartine, Catalano, Bottazzi, Chairman Veni  
NAYS: None  
ABSTAIN: None

**13. CUSTOMER ACCOUNTS RECONCILIATIONS**

In Director Pannucci's absence, Director Specht read the Customer Accounts Reconciliations as follows:

a. Account 19200000, Shirley Press, 295 Madison Court. A one time water & sewer credit is recommended in the amount of \$468.00 due to a broken pipe. Average usage is 7,000 gallons and the quarter in question rose to 88,000 gallons. All repairs have been made and verified and the meter is in working order.

b. Account 16042404, James Campbell, 126 Dennis Drive. A one time water & sewer credit is recommended in the amount of \$1,208.56 due to a broken pipe. Average usage is 5,000 gallons and the quarter in question rose to 208,000 gallons. All repairs have been made and verified and the meter is in working order.

c. Account 6751201, Dennis Braithwaite, 11 Bark Road. A one time water & sewer credit is recommended due to a broken pipe in the amount of \$1,251.90. Average usage is 20,000 gallons and the quarter in question rose to 234,000 gallons. All repairs have been made and verified and the meter is in working order.

d. Account 10520808, Florence Koch, 43 Metedeconk Road. A one time water & sewer credit is recommended in the amount of \$406.94 due to a broken frost plate on the meter. Average usage is 1,000 gallons and the quarter in question rose to 67,000 gallons. All repairs have been made and verified and the meter is in working order.

e. Account 6249602, Linda Considine, 59 Chestnut Court. A one time water & sewer credit is recommended in the amount of \$474.24 due to unexplained usage per our "Schedule of Rates, Fees & Service Charges." Average usage is 10,000 gallons and the quarter in question rose to 89,000 gallons. Our serviceman inspected the property and could not determine extra usage. The meter is in working order.

Comm. Bottazzi asked, "Do you know how much total money we have returned for this week?"

Director Specht advised, "It looks like it is about \$3,000.00"

Comm. Bottazzi made a motion to approve the Customer Accounts Reconciliations. Seconded by Comm. Cartine.

AYES: Commissioners Buttacavoli, Cartine, Catalano, Bottazzi, Chairman Veni  
NAYS: None  
ABSTAIN: None

Chairman Veni asked Ms. Sylvester to make a note to Director Pannucci for next month to provide the board with all these gallons that we have, to give us a dollar value of how much we lost in gallons.

Comm. Buttacavoli made a motion to approve this action. Seconded by Comm. Bottazzi

AYES: Commissioners Buttacavoli, Cartine, Catalano, Bottazzi, Chairman Veni  
NAYS: None  
ABSTAIN: None

**14. CONTRACT CLOSE-OUTS - NONE**

**15. AUTHORIZATION TO EXPEND APPROVED FUNDS**

- a. **Tekmar Total Organic Carbon (TOC) Analyzer**, Not to Exceed State Contract Price of \$32,066.30, Vendor Teledyne Instruments  
Funding Source: Account 710036A

Director Maggio explained, "We are requesting authorization to expend approved funds to purchase a Total Organic Carbon Analyzer for a price not to exceed state contract price of \$32,066.30 and the

funding source is account No. 710036A. At the request of the Construction Committee we are trying to improve upon the State contract price. We are currently in discussions with the state contractor vendor Teledyne on a price that would include a trade in of our current TOC analyzer. We are also meeting with another vendor, General Electric to evaluate an instrument that may do the same thing as the Teledyne instrument that we currently have, but do it for a significantly lower price. That is why I am asking you to approve a cap price and we are expecting to come in lower than the State contract price.”

Chairman Veni asked Counselor Dasti if that is ok to do and Counselor Dasti replied “Absolutely.”

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

AYES: Commissioners Buttacavoli, Cartine, Catalano, Bottazzi, Chairman Veni  
NAYS: None  
ABSTAIN: None

- b. Refurbish ABB Variable Frequency Drive Model # Yacs800-u4-0210-5, \$5,960.64 plus shipping, Vendor Applied Analytics, Funding Source: Account #799008**

Director Maggio advised, “We are requesting authorization to expend approved funds to refurbish our ABB Variable Frequency Drive for a cost not to exceed \$5,960.64 plus shipping. At this point the vendor is Applied Analytics and the funding source is account no. 799008. Two weeks ago our VFD failed unexpectedly. It was a unit that was installed in 2005 and should have lasted longer. We took steps and initiated a redundant system so we had no interruption to treatment or water supply. However we did want to expedite the refurbishment of that unit. With the assistance of Executive Director Lacey and Chairman Veni we were able to expedite the purchase of a Softstart unit which did on an interim basis get the pump in question up and running, but we are trying to get the unit refurbished and installed so we go back to full operation. Right now we have one vendor’s price for the refurbishing. They will bring this unit up to complete original manufacturer’s specifications and provide us with a one year warranty. We are trying to find vendors that will do a similar service to compare prices. The cost of a new unit would be in excess of \$10,000 so this is a quite a cost savings. To purchase an instrument off the shelf that has already been refurbished that will be an additional \$1,900. So this is a cost savings and the effort we put into purchasing the Soft start is going to save us money in the end. We will be able to use that Softstart in the future as a back up in an emergency in the event that something like this happens at another one of our pumps. All of our deep well pumps do not have Softstarts. If they were to fail we would not be able to operate them but now with this sfofstart in reserve we would be able to get those pumps running in an emergency so that is a real benefit to us operationally.”

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

AYES: Commissioners Buttacavoli, Cartine, Catalano, Bottazzi, Chairman Veni  
NAYS: None  
ABSTAIN: None

- c. Purchase of Impact Attenuator , from Kiely Equipment Co. in the amount of \$22,500. This is a three (3) quote purchase and is budgeted under project 611002.**

Director Bundy advised, "My first item is the purchase of an Impact Attenuator from Kiely Equipment. The cost is \$22,500. We three priced this. It is a Scorpion trailer mounted attenuator with a 15 light arrow board and it is budgeted under project No. 611002."

Chairman Veni asked Director Bundy to tell everyone why we are buying this equipment. Director Bundy advised that it costs a lot of money to rent them.

Comm. Buttacavoli made a motion to approve this expenditure and stated that it was discussed in the Construction Committee meeting. Seconded by Comm. Catalano.

AYES: Commissioners Buttacavoli, Cartine, Catalano, Bottazzi, Chairman Veni  
NAYS: None  
ABSTAIN: None

- d. Imaging System Software/Hardware Support** - One (1) years support contract for all document imaging hardware and software from MTS Software in the amount of \$7,373.25  
Funding Source: Account #90062-8703

Director Bundy advised, "The next item is our imaging system software and hardware support.. This is an annual one year support contract for our document imaging software and hardware. It is being purchased from MTS Software in the amount of \$7,373.25. This is a State contract vendor. We did go out and get two additional prices and they were still the lowest price. It is budgeted under Account #90062-8703."

Comm. Buttacavoli stated, "You did mention at the meeting that this is the same price that we had last year so there was no increase on it." Director Bundy confirmed that is correct.

Comm. Buttacavoli made a motion to approve this expenditure. Seconded by Comm. Catalano.

AYES: Commissioners Buttacavoli, Cartine, Catalano, Bottazzi, Chairman Veni  
NAYS: None  
ABSTAIN: None

**16. AUTHORIZATION TO SEND OUT BIDS, RFQ'S & RFP'S**

**17. ADOPTION OF REPORTS**

Comm. Catalano made a motion to adopt the Monthly Reports. Seconded by Comm. Buttacavoli.

AYES: Commissioners Buttacavoli, Cartine, Catalano, Bottazzi, Chairman Veni  
NAYS: None  
ABSTAIN: None

**18. ADOPTION OF PERSONNEL ACTIONS**

Comm. Catalano made a motion to adopt the Personnel Actions. Seconded by Comm. Buttacavoli

AYES: Commissioners Buttacavoli, Cartine, Catalano, Bottazzi, Chairman Veni  
NAYS: None  
ABSTAIN: None

**19. OLD BUSINESS**

19.1 Trinity Church Parking Lot Use – Exempt

19.2 ASR Well No. 15 – Exempt

19.3 Developer Application No. 1548 – Pine View Estates – Exempt

Counselor Dasti stated, “The commissioners should consider adopting a motion to authorize our office to file an appeal of Judge Grosso’s decision in the Pineview Estates matter. We recommend that we appeal that decision.”

Comm. Cartine made a motion to move forward with the appeal of the Pine view Estates Decision. Seconded by Comm. Buttacavoli.

AYES: Commissioners Buttacavoli, Cartine, Catalano, Bottazzi, Chairman Veni  
NAYS: None  
ABSTAIN: None

19.4 Mantoloking Road Water Storage Tank Telecommunications Co-Location Lease No. 3 - Exempt

Director Specht stated, “As discussed the Mantoloking Road Water Storage Tank Telecommunications Co-Location Lease No. 3 since we did not receive any bids in the rebid if we could proceed...”

Counselor Dasti interrupted, “We are not authorizing any work to be done. We discussed in closed session that Mr. Specht and I will be speaking with them and get back to them with a proposal. There is nothing to report on.”

**20. NEW BUSINESS**

20.1 Kentwood Construction Co., Inc./Rocky Mountain Dev. Corp. Summons - Exempt

Counselor Dasti advised, “Well you have been sued. There is no other action you can take now. We are going to meet in the next week or so with Director Pannucci and Director Lacey.”

**21. RESOLUTIONS**

36-11 A Resolution Establishing the Procedure for Conducting Open Public Portion Meetings of the Brick Township Municipal Utilities Authority

Counselor Dasti advised, "This is a resolution that our office has prepared at the request of one of the commissioners which is the manner in which you will conduct open public portion meetings of the Authority. It sets the forth the procedures that anyone from the public would have to follow if you adopt this resolution."

Comm. Bottazzi stated, "I will make a motion so we can settle this. It is my understanding that we wish a person who has not been here before, and is not recognized by the chair that they would have to give their name and full address."

Counselor Dasti suggested that we get a second to the motion and then we can discuss it.

Seconded by Comm. Catalano.

Counselor Dasti advised, "This resolution if adopted requires every person at any meeting to give their name and address before making a public presentation even if they are here on multiple nights."

Comm. Bottazzi asked, "So if I came here and I wanted to address the Board I would have to give them my name and address and so forth?" Counselor Dasti replied affirmatively.

Counselor Dasti stated, "I am not the authority of this resolution. I prepared what was requested of me to be prepared. "

Comm. Bottazzi stated, "Well I am concerned. If we don't have a resolution in place and someone can come in that door and say my name is Joe Blow and that is all I am telling you, we are in a position to say well sorry we are not going to hear your request because we would like to have your full name and address because we have a resolution in place."

Counselor Dasti stated, "The Resolution that is in front of you requires the person at each and every time they come to give their name and address. That is what this resolution says."

Comm. Bottazzi asked, "Is that what this board wants?"

Chairman Veni replied, "You will find out when I ask for a roll call."

Comm. Cartine stated, "If it is proper to speak on the motion, through the chair, two months ago I missed the May meeting and I don't know what was discussed in closed session at that meeting. A month prior to that Mr. Chairman when you were not here, this resolution came up and I voted to table the resolution because I felt that more discussion was needed. Because I was absent at the May meeting, I don't know what discussion took place. I am assuming that there wasn't any discussion at the time. I just want to reiterate my feeling about his resolution. While I understand the reason for it to at least try to organize a proper decorum for all meetings, I also recognize that any speaker for whatever reason they feel necessary to not have to repeat their street address before they speak There is no statute. There is no law that I am aware of that says that any speaker at a public forum, whether it be this or our municipal government, must get up and speak their name and address or else if you don't you can be expelled from the

meeting. I understand again why many government bodies try to do this and most people feel comfortable giving up their address. However, I have to consider that there may be people that do not want to do that. And there is no policing of this particular measure. You cannot expel someone because they feel that their private or civil rights are being jeopardized by stating their address. I just don't think at this time that we need to do that. I understand that if this resolution was amended to say that the person must state their full name I could go along with that, in fact I would ask for that. But I think the address is an invasion of privacy and if this resolution has a second I will vote no."

AYES: Commissioners Catalano, Bottazzi, Chairman Veni  
NAYS: Comm. Cartine  
ABSTAIN: Comm. Buttacavoli

45-11 A Resolution Authorizing the Annual Adoption of the Cash Management and Investment Plan

Director Planko stated, "As I mentioned earlier this resolution is a normal process for us to adopt the cash management plan each June. It summarizes the Authority Accounts, the transfers we make, the investments we make, and various financial reporting issues. I discussed this in detail with our Auditor and with the Finance Committee and in conjunction we are recommending that the Board pass this resolution this evening. I also want to mention that in conjunction with this cash management plan that my monthly report details and talks about our investment activity. The Finance Committee is recommending you pass this resolution this evening."

Mr. Holman stated, "Mr. Chairman just to add, the Cash Management Plan details a number of different investments that the Authority can utilize, but it has been the policy, and Mr. Planko has been carrying that out use certificates of deposits only in New Jersey Institutions that are fully guaranteed by the FDIC. Although that plan is very broad it has been the policy here to this point to invest in only Certificates of Deposit. We did talk that over with the Finance Committee and I did want to make that point."

Mr. Planko stated, "If you read through my narrative I also make mention each month what the New Jersey Cash management plan pays and also what the Treasurer's pays so people can look and see the comparison we are investing in CD's. But it is a better return than we are getting through the Cash management plan or treasuries that exist out there."

Comm. Catalano made a motion to adopted Resolution No. 45-11. Seconded by Comm. Buttacavoli.

AYES: Commissioners Buttacavoli, Cartine, Catalano, Bottazzi, Chairman Veni  
NAYS: None  
ABSTAIN: None

46-11 A Resolution for the Award of a Public Contract to ITT Water and Wastewater, USA, Inc., in the amount of \$49,370.00 for Dewatering Pumps and Accessories Replacement at the County of Ocean Sea Avenue Storm Water Pump Station, Point Pleasant Beach

Borough

Director Specht advised, "On behalf of the County of Ocean we are looking to award a public contract to ITT Water and Wastewater USA, Inc., in the amount of \$49,370.00 for dewatering pumps and accessories replacement at the Sea Avenue Storm water Pump Station in Point Pleasant Beach Borough. We will perform the work for the Township and we will purchase the equipment. Upon completion of the work they will reimburse us and we will pay the contractor for that work."

Comm. Catalano made a motion to adopt Resolution No. 46-11. Seconded by Comm. Buttacavoli.

AYES: Commissioners Buttacavoli, Cartine, Catalano, Bottazzi  
NAYS: None  
ABSTAIN: Chairman Veni

47-11 Lease Agreement with Trinity Bible Church for Reservoir Parking

Counselor Dasti stated, "There is a resolution for the commissioners to consider approving a lease agreement with Trinity Church. It has been vetted by Mr. Bundy and Mr. Lacey and I and we recommend that you approve the resolution authorizing the execution of the lease agreement. In addition, before the next meeting, Mr. Planko's office may need to cut the check so you are authorizing him also to cut the first year's check."

Comm. Catalano made a motion to approve Resolution No. 47-11.  
Seconded by Comm. Buttacavoli.

AYES: Commissioners Buttacavoli, Cartine, Catalano, Bottazzi, Chairman Veni  
NAYS: None  
ABSTAIN: None

48-11 A Resolution Appointing and Authorizing the firm of Holman Frenia to Conduct Arbitrage Calculations on behalf of the Brick Township Municipal Utilities Authority

Counselor Dasti advised, "This is a resolution to authorize Mr. Holman's office to undertake arbitrage calculations on behalf of the Authority. I understand that you have received quotations from various professionals and this is the recommendation of the Finance Committee."

Comm. Catalano made a motion to move the resolution and stated that our financial people do an excellent job. Seconded by Comm. Buttacavoli.

AYES: Commissioners Buttacavoli, Cartine, Catalano, Bottazzi, Chairman Veni  
NAYS: None  
ABSTAIN: None



49-11 Change order, Bowne Management Systems additional compensation of \$4,800 due to unexpected work on the GIS System Architecture Design and Implementation Project. 50% Cost share with the Township.

Director Bundy stated, "This resolution authorizes a change order to Bowne Management Systems in the amount of \$4,800.00 due to extra work on the GIS system architecture design. This is a 50% cost share with the Township of Brick. The original contract amount was \$49,920.00. We had an increase due to as I mentioned earlier we switched to using T1 lines to the new fiber optic that was put in. We thought it was wise at this point to have the person who was doing the work at that time make those changes for us. That is what lead to the change order."

Comm. Buttacavoli stated, "We did discuss this at the Construction Committee meeting and I would make a motion." Seconded by Comm. Catalano.

AYES: Commissioners Buttacavoli, Cartine, Catalano, Bottazzi, Chairman Veni

NAYS: None

ABSTAIN: None

## **22. PUBLIC DISCUSSION**

Chairman Veni opened the meeting to public discussion.

Melanie Briggs stated, "On 47-11, there is no amount to the lease agreement with Trinity Bible Church."

Counselor Dasti stated, "It is a ten year lease term for \$10,000 a year."

Comm. Cartine stated, "Excuse me Mr. Chairman shouldn't Mrs. Briggs get up and state her address?"

Chairman Veni replied, "No, I am not going to do that until next month. Next month we will have a clock and everything else."

Comm. Cartine replied, "Oh ok, so we have exceptions now. Alright."

Chairman Veni stated, "No we have no exceptions, it was just approved."

Mrs. Briggs asked, "How can you supersede the State's regulations for running a public meeting?"

Chairman Veni stated, "It is not superseding anything. This is just a policy that's all. It's not a law. It's a policy of the MUA?"

Mrs. Briggs responded, "But it hasn't been in effect since the MUA has been in existence?"

Chairman Veni replied, "I don't know how to answer that. You've been here long enough to know we have asked who you are and what your address is and some people don't want to give that to us so we had to make it a policy."

Mrs. Briggs stated, "You're right I have been here long enough. I have been the only person here long enough and there has never been anybody that has refused to give an address. It has never been asked to give an address."

Chairman Veni stated, "I disagree with you."

Mrs. Briggs replied, "You can disagree, but you can go back through all the minutes of the last six years and you will see that nobody has ever refused to give an address. I'm it. For five years and I'm just wondering what has caused this change? Since you are putting it together can you give your mindset as to why you came up with it?"

Chairman Veni replied, "Because I had explained to you at the very first meeting that we have a new digital system so if anyone wanted to get the records everything would be on the disk so we know who is speaking, where that person is and for the length of time."

Mrs. Briggs asked, "What difference does it make where I live?"

Chairman Veni replied, "When someone orders a disk of the meeting minutes everything is perfect now, they won't have to come back and ask well who is this person?"

Mrs. Briggs replied, "OK, so if some strange person comes in and says I would like a disk of your meeting, my address is now in the hands of some strange person. I would like to request that every commissioner at the opening of every meeting say Pat Bottazzi, blah, blah, blah... Give your address. Why is my address more important than your address when you are the commissioners and the people would more than likely want to get in touch with the commissioners not me."

Chairman Veni replied, "Because they can easily call right here and get in touch with us. I get mail from other people directly to my house so they get it, regarding MUA work."

Mrs. Briggs stated, "I am trying to come up with a mindset. If I can understand it and it makes sense to me why would someone want to get in touch with me?"

Chairman Veni stated, "Maybe something you brought up. Maybe you asked a lot of questions and someone may say those are valid questions let me ask her why she asked that question. Maybe they don't like the answers that were given out."

Mrs. Briggs asked, "And who is this fictitious person that is looking to talk to me?"

Comm. Bottazzi asked, "May I just interject something. I think and why I voted for it. I know where you live. I don't need you to get up and give your address, but if we have someone that comes in here, and I know you had your thing going back and forth a couple of months ago, and he says I'm John Brown and I'm not giving you my address. The Chairman then says we would like to know where you live but we don't know if he lives in Essex County, Monmouth County, in Brick Township. We'd like to hear his address if he is going to come here and tell us how to run this place. It would be in his power

so to speak to know the man's address and so forth where he is from. We can't demand that and say I'm sorry I can't hear your argument we are not going to listen to your request because you are not giving your full name and address to us as we request. I think what happened when you refused to give it you hit the spark and there was a conversation as to what do we do if it is not Melanie Briggs that says we don't want to give you our address. What do we do in that case? So we needed a resolution in place. Now you can keep saying oh ok and throw out another thing but that is why I voted for it."

Mrs. Briggs stated, "But this is an open public meeting which means that I can come from Essex County and sit in on this meeting."

Comm. Bottazzi replied, "Yeah but if you are going to come from Essex County and tell us how to run this place or what our rates are and so forth we are not going to pay too much attention to you. I won't. I don't know about the others. We work for the citizens of Brick Township."

Mrs. Briggs stated, "And I am a citizen of Brick Township. I will state for the record quite loudly so it can be heard I will never give my address."

Comm. Bottazzi stated, "OK it is up to the Chairman then if he wants to recognize you or not."

Mrs. Briggs replied, "That's fine."

Ms. Marilyn Lago, North Lakeshore Drive, stated, "It would be very nice if we could just state our name and city. As far as the address goes, one thing comes to my mind that kind of frightens me. If people can walk in here and ask for and pay for a CD with the minutes on it, and they actually hear my address and know that I attend these meetings, my house is a hot spot for robbery and I really don't like that. And I thank Comm. Cartine for explaining in detail that whole resolution. That worries me. Same thing with the Council meetings plus it is televised so now they see you. A little frightening, especially with what is going on in town."

Chairman Veni asked, "Do you give your address at the town?"

Ms. Lago replied, "Yes we do. I mean not everybody. People do say, just Brick. I am happy to be one that does, maybe I won't. It is really frightening."

Ms. Briggs asked, "Mr. Bottazzi when you speak at the Council meetings do you give your address?"

Comm. Bottazzi replied, "Yes, and I also say how many years I lived there."

Mrs. Briggs asked, "And what do you say?"

Comm. Bottazzi stated, "Brick Township, Seville Drive, well I don't want to be followed home by some crazy women."

Mrs. Briggs asked, "Is that your exact address, you live all over Brick Township. I don't mind if you give your name and where you live. Even if you say what section of Brick you live in, to clarify if I have a problem and say I have a problem, the water company dug up the pipes and I have a problem. I live in Herbertsville, but to have to give an exact complete address I feel that is very unsafe for me. As I

say I will not give my address and you can choose not to recognize me and then I will just have to write my requests into the paper and you'll have to answer it."

Chairman Veni asked if there were any other comments, seeing none, Chairman Veni closed the public portion of the meeting.

Comm. Cartine stated, "I need to amend my vote in the minutes of the last meeting I was not here. I was absent from that meeting and I voted yes so I wish to change that to abstain since I was not at that meeting."

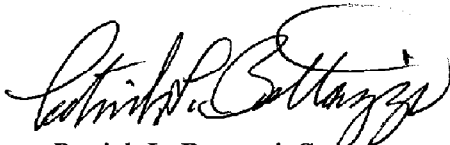
**23. CHAIRMAN'S CLOSING STATEMENT**

Chairman Veni read the following statement: *"The next meeting of the Authority will be a Public Meeting on Monday, July 25, 2011 at 6:00 p.m. All regular public meetings take place in the Main Conference Room of the Authority's Administration Building located at 1551 Highway 88 West.*

**24. ADJOURNMENT**

There being no further business to discuss, and on motion duly made and seconded the meeting adjourned at 7:45 p.m.

Respectfully submitted,



Patrick L. Bottazzi, Secretary