

The Brick Twp. Municipal Utilities Authority
Minutes of a PUBLIC MEETING Held on May 25, 2017

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

2. OPENING STATEMENT

Following the Salute to the Flag, Ms. Sylvester read the opening statement as follows: *"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 6, 2017, 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

Commissioners Present

Gregory M. Flynn
Thomas C. Curtis
James Fozman
Susan Lydecker
Maria Foster
William Neafsey

Also Present

Chris A. Theodos, Executive Director
Joseph Maggio, Dir. Water Quality
John Clifford, CFO
Gary Vaccaro, Dir. Compliance/Technology
Marie Sylvester, Executive Supervisor
Nick Montenegro, MUA General Counsel
Chuck Fallon, MUA Auditor
Sue Brasefield, MUA Engineer

4. Presentation of Awards to Winners of Brick Utilities' 2017 Metedeconk Watershed Mascot, Slogan and Public Service Announcement Contest

Chairman Flynn stated that he would like to take a few minutes to acknowledge the winners of the Metedeconk Watershed Mascot and Public Service Award and asked Ms. Sylvester to read Resolution No. 49-17 –A Resolution Recognizing the Winners of Brick Utilities' 2017 Metedeconk Watershed Mascot, Slogan and Public Service Announcement Contest.

Rob Karl provided background on the watershed protection program and stated that of all the things we do getting out there and teaching the public about the river and its importance to the region, this is one of the most important aspects. He added that through each of these students' creativity they will help us get this message out to the public. He added that the Authority truly appreciates their efforts.

Shari Kondrup, presented plaques and gift certificates to the 2017 winners as follows:

Leo McConnell, a 4th grader from Saint Dominic School, submitted the winning entry for the watershed mascot with "Henry the Hawk"; and James **Baracia**, an 8th grader from Lake Riviera Middle School submitted the winning entry for the watershed slogan with, "Take Time to Think about the Metedeconk River we Drink!"; **Alexandra Talamayan** and **Sarah Ebinger**, 7th graders from Saint Dominic School submitted the winning entry for

the public service announcement.

Comm. Fozman made a motion to adopt Resolution 49-17. Seconded by Comm. Lydecker.

AYES: Comm. Foster, Lydecker, Curtis, Fozman, Flynn
NAYS: None
ABSTAIN: None

5. EXEMPT SESSION

Chairman Flynn advised that Exempt Session will be held after we have completed the business of the Authority.

6. ADOPTION OF DIRECTORS' REPORTS

Comm. Foster made a motion to adopt the Directors' Reports. Seconded by Comm. Foster.

AYES: Comm. Foster, Lydecker, Curtis, Fozman, Flynn
NAYS: None
ABSTAIN: None

6. APPROVAL OF MINUTES

April 27, 2017 Regular and Exempt

Comm. Curtis made a motion to adopt the Directors' Reports. Seconded by Comm. Foster.

AYES: Comm. Foster, Curtis, Flynn
NAYS: None
ABSTAIN: Comm. Lydecker, Fozman

7. CORRESPONDENCE - None

8. BILL RESOLUTION

Comm. Curtis read the Bill Resolution dated May 25, 2017 in the total amount of \$3,745,650.64 as follows:

Total Operating Vouchers:	\$	2,083,463.99
Total Payroll:		1,066,776.54
Total Capital Vouchers:		396,050.53
Escrow:		- 0 -
Total Bill Resolution	\$	3,745,650.64

Comm. Curtis made a motion to approve the Bill Resolution. Seconded by Comm. Lydecker

AYES: Comm. Foster, Lydecker, Curtis, Fozman, Flynn
NAYS: None

ABSTAIN: None

8. TREASURER'S REPORT

Comm. Lydecker read the Treasurer's Report balances for the month ending April 30, 2017 as follows:

Unrestricted Funds:

Total Revenue Funds:	\$	8,080,212.84
Total General Funds:		14,503,126.92
Total Unrestricted Funds:		22,583,339.76

Restricted Funds:

Rate Projection Maintenance Fund:	2,854,576.08
Working Capital Fund:	345,525.81
NJEIT Processing Fund:	839,515.50
Construction Fund:	6,704,827.85
Total Bond Funds:	9,113,600.17
Total Other Restricted Funds:	1,357,308.59
Total Restricted Funds	21,215,354.00
Total of All Fund Accounts:	43,798,693.76

Comm. Curtis made a motion to approve the Treasurer's Report. Seconded by Comm. Lydecker

AYES: Comm. Foster, Lydecker, Curtis, Fozman, Flynn
NAYS: None
ABSTAIN: None

11. DEVELOPER APPLICATIONS - NONE

12. UNANTICIPATED/EMERGENCY CAPITAL EXPENDITURES - NONE

13. CUSTOMER ACCOUNTS RECONCILIATIONS

Director Clifford presented the following customer accounts reconciliations for approval.

Sewer Credit

- a. Account 12533601-0, 24 Fairview Ave, Frank & Rose Panicali. A Sewer credit is recommended in the amount of \$1,200.89 due to high usage from a new sprinkler system. The quarter in question rose to 177,000 gallons and occurred during construction and prior to the customer taking occupancy of the residence. We believe that none of this water entered the sanitary sewer system.

Comm. Curtis made a motion to approve this action. Seconded by Comm. Fozman

AYES: Comm. Foster, Lydecker, Curtis, Fozman, Flynn

NAYS: None
ABSTAIN: None

- b. Account 8349602-0, 292 Georgia Drive, Guy Argenziano. A Sewer credit is recommended in the amount of \$2,304.43 due to a broken pipe. The quarter in question rose to 283,000 gallons while the average use is 0 gallons. This is a single family home and no other credits have been issued. All repairs have been made and there are no other leaks.

Comm. Fozman made a motion to approve this action. Seconded by Comm. Curtis

AYES: Comm. Foster, Lydecker, Curtis, Fozman, Flynn
NAYS: None
ABSTAIN: None

- c. Account 2411605-0, 326 Bay Lane, Suzanne Striefler. A Sewer credit is recommended in the amount of \$2,682.88 due to a broken pipe. The quarter in question rose to 328,000 gallons while the average use is 0 gallons. This is a single family home and no other credits have been issued. All repairs have been made and there are no other leaks.

Comm. Lydecker questioned if we are waiving the credit because these are summer homes and the owners are not in residence. Director Clifford stated that the reality is that if they were occupied year round they would probably not have used so much water because the issues would have been noticed sooner.

Comm. Curtis made a motion to approve this action. Seconded by Comm. Fozman

AYES: Comm. Foster, Lydecker, Curtis, Fozman, Flynn
NAYS: None
ABSTAIN: None

14. CONTRACT CLOSE-OUTS

Jim Allen presented the following Contract Close out for review by the Board.

- a. Contract Close-Out and Final Payment for Quad Construction Inc. for Contract No. 812003 – Superstorm Sandy – Immediate Upgrades of Six (6) Wastewater Pump Stations and Two (2) Ejector Stations Flooded by Super Storm Sandy – Breton Road, Vanada Woods, Mantoloking Road, Fifth Street, Eastern Lane and Laurelton Wastewater Pump Stations and Eagle Point and Island Drive Ejector Stations (Reduction in Retainage from 2% to 0%)

Comm. Curtis made a motion to approve this action. Seconded by Comm. Fozman

AYES: Comm. Foster, Lydecker, Curtis, Fozman, Flynn
NAYS: None
ABSTAIN: None

15. AUTHORIZATION TO EXPEND APPROVED FUNDS - NONE

16. AUTHORIZATION TO SEND OUT BIDS, RFQ'S & RFP'S - NONE

17. ADOPTION OF PERSONNEL ACTIONS

Comm. Fozman made a motion to approve the personnel items that were included in the Executive Directors Report. Seconded by Comm. Curtis

AYES: Comm. Foster, Lydecker, Curtis, Fozman, Flynn
NAYS: None
ABSTAIN: None

18. OLD BUSINESS

19. NEW BUSINESS

19.1 Request to Utilize Reservoir

Mr. Allen presented the following requests to utilize the Reservoir.

Chairman Flynn asked is there is an established policy or guidelines that these people are presented with when they come to an event, for example guidelines for monitoring of children. Mr. Allen replied that there is a standard procedure for anybody that has an event like this that they have to basically be their own police and take care of their guests on site to make sure they are safe. Director Vaccaro added that there is a special use permit that they apply for and on the back is the rules and regulations of the Reservoir.

Counselor Montenegro stated there is a permit application that is filled out in the name of the group and naming a responsive party, how many participants and is signed. On the reverse is a guidelines of what is not acceptable behavior and activity. In addition it is discretionary about the insurance. Counselor Montenegro advised that he going to review the insurance concern with our carrier and we should have a response tomorrow.

There was discussion regarding providing a formula that relates to the amount of minors that are visiting the Reservoir. Counselor Montenegro advised that he will be reviewing this matter with Director Theodos and Director Specht as well as the insurance required to make sure that we have particular coverage with regard to the Reservoir and the use by citizens.

a. Organization: Visitation Conference St. Vincent de Paul Society

Description: A walk to raise money for the St. Vincent de Paul Society – Visitation Conference which helps the poor of the community

Date: Saturday, September 16, 2017 from 10:00 a.m. to 1:00 p.m. (Rain Date: Saturday, September 23, 2017 from 10:00 a.m. to 1:00 p.m.)

Special Needs: None

No. of Participants: 50

Contact: Dee Deturo

Event Status: 8th Year

Comm. Curtis made a motion to approve this action. Seconded by Comm. Fozman

AYES: Comm. Foster, Lydecker, Curtis, Fozman, Flynn

NAYS: None
ABSTAIN: None

b. Organization: Meon Bnos Melech

Description: School field trip to walk around the Reservoir
Date: Monday, May 29, 2017 (Memorial Day) from 12:15 p.m. to 2:45 p.m.
Special Needs: None
No. of Participants: 100
Contact: Yaffa Green and Dina Bloom
Event Status: 1st Year

It was noted that this group will be handing out bottled water at several locations and they will be having lunch in a designated area and are responsible for clean up after the lunch.

Comm. Fozman made a motion to approve this action. Seconded by Comm. Foster

AYES: Comm. Foster, Lydecker, Curtis, Fozman, Flynn
NAYS: None
ABSTAIN: None

20. RESOLUTIONS

47-17 Award of a Public Contract to Ninsa, LLC in the Amount of \$147,400.00 for the Fencing Upgrades at the Eight (8) Wastewater Pump Stations (WWPSs) Impacted by Superstorm Sandy; Contract No. 601001

Chairman Flynn asked who will handle the clearing and tree trimming if it is required. Mr. Allen advised that they will be responsible for whatever needs to be cleared to get the fence in place.

Comm. Fozman made a motion to adopt Resolution No. 47-17. Seconded by Comm. Lydecker

AYES: Comm. Foster, Lydecker, Curtis, Fozman, Flynn
NAYS: None
ABSTAIN: None

48-17 Settling Litigation OCN-L-1424-24 between Brick Utilities and AM Liner East, Inc., American Pipe and Plastics, Inc. and Atkore International Group, Inc. in connection with Sanitary Sewer Rehabilitation – Phase V

Counselor Montenegro summarized this resolution stating this is for the approval of the settlement with AM whereby the Authority will be paid \$550,000.00 - \$200,000 from the liner manufacturer and \$271,448.58 directly from the installer AM Liner. He added that the amount constitutes the full cost of remediation project that our expert came up with. Once the funds are received that Authority will begin the process of remediation.

It was discussed that the use of these funds for the remediation project should be separately tracked in the monthly finance report.

Comm. Curtis made a motion to adopt Resolution No. 48-17. Seconded by Comm. Lydecker

AYES: Comm. Foster, Lydecker, Curtis, Fozman, Flynn
NAYS: None
ABSTAIN: None

49-17 A Resolution Recognizing the Winners of Brick Utilities' 2017 Metedeconk Watershed Mascot, Slogan and Public Service Announcement Contest

Comm. Fozman made a motion to adopt Resolution No. 49-17. Seconded by Comm. Foster

AYES: Comm. Foster, Lydecker, Curtis, Fozman, Flynn
NAYS: None
ABSTAIN: None

21. PUBLIC DISCUSSION

No public was present.

22. COMMENTS FROM COMMISSIONERS, PROFESSIONALS & STAFF

Director Clifford thanked the Board for approving the credits and stated that he does believe there may be some refinements needed to the process.

Chairman Flynn asked Director Vaccaro to explain the benefits of consolidating the permits for Parkway Water and our water system and asked why it wasn't done when we bought Parkway. Director Vaccaro replied that it was a decision made at the time to keep them as two separate systems. He added that with the renewal of our water allocation permit the decision was made to combine them and recommended by the DEP.

Director Maggio provided an update on the Corrosion Sampling for the first half of 2017, indicating that six or seven samples remain and we are looking at our third consecutive corrosion sampling where we have been in compliance. Director Maggio stated that he is confident in saying that the work internally and with Virginia Tech has allowed us to successfully manage and address the corrosion issues we had in 2014.

Chairman Flynn advised that Director Maggio is going to create a policy so that we can monitor abuses to the watershed.

Chairman Flynn thanks Shari Kondrup and Rob Karl for their work in the Watershed Protection Outreach program. Director Maggio stated that Shari does a great job with outreach and is very well respected by the schools.

Mr. Montenegro stated that in regard to the use of facilities we are going to look carefully into the permit process and create a hold harmless agreement and look at the insurance with our representative and invite suggestions on the use of facilities.

Director Theodos thanked Director Maggio and his staff for their public outreach effort which culminated in the awards that were given out tonight. He also congratulated the winners and stated that they did a very good job.

Executive Session:

At this time Counselor Montenegro stated that there should be a motion to go into executive session to discuss potential litigation and the items will be disclosed when and if the need for confidentiality no longer exists and if anyone from the public wishes to remain they can come in after executive session has been terminated.

Comm. Curtis made a motion to go into executive session. Seconded by Comm. Fozman

AYES: Comm. Foster, Lydecker, Curtis, Fozman, Flynn

NAYS: None

ABSTAIN: None

At this point in the meeting, 7:55 p.m. the group entered exempt session.

On motion duly made and seconded and a unanimous vote in exempt session, the group returned to open session at 8:35 opm

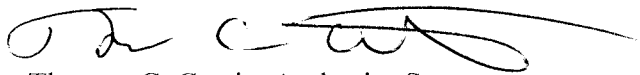
23. CLOSING STATEMENT

Ms. Sylvester advised the the next Meeting of the Authority will be a Public Meeting on Thursday, June 29, 2017 at 7:00 p.m. All 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 the meeting adjourned at 8:38 p.m.

Respectfully submitted,



Thomas C. Curtis, Authority Secretary

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