

**The Brick Twp. Municipal Utilities Authority
Minutes of a PUBLIC MEETING Held on August 31, 2017**

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

Following the salute to the flag, Chairman Flynn asked for a moment of silence for respect for the people of Texas and what they're going through.

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
Susan Lydecker
James Fozman

Absent

Maria Foster
William Neafsey

Also Present

Chris A. Theodos, Executive Director
Stephen T. Specht, Dir. Engineering/Operations
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
Joseph Simonetta

4. Adoption of Directors' Reports

Comm. Curtis made a motion to adopt the Directors' reports. Seconded by Comm. Fozman

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

5. APPROVAL OF MINUTES

June 29, 2017 Regular and Exempt

Comm. Lydecker made a motion to adopt the minutes as presented. Seconded by Comm. Curtis.

AYES: Comm. Lydecker, Curtis, Flynn

NAYS: None
ABSTAIN: Comm. Fozman

6. CORRESPONDENCE

Chairman Flynn advised that we received a note from Steve Russell, a former employee who retired recently thanking the Authority for the retirement watch that he received.

7. APPROVAL OF BILL RESOLUTION – *Commissioner Curtis*

Comm. Curtis read the Bill Resolution dated August 31, 2017 in the total amount of \$1,674,666.65 as follows:

Total Operating Vouchers:	\$	389,408.82
Total Payroll:		1,040,407.27
Total Capital Vouchers:		235,687.04
Escrow:		9,163.52
Total Bill Resolution	\$	1,674,666.65

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

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

8. TREASURER'S REPORT – *Commissioner Lydecker*

Comm. Lydecker read the Treasurer's Report balances for the month ending July 31, 2017 as follows:

Unrestricted Funds:

Total Revenue Funds:	\$	7,173,597.09
Total General Funds:		11,966,007.35
Total Unrestricted Funds:		19,139,604.44

Restricted Funds:

Rate Projection Maintenance Fund:		2,854,576.08
Working Capital Fund:		2,119,324.74
NJEIT Processing Fund:		687,256.79
Construction Fund:		6,321,529.05
Total Bond Funds:		9,116,832.41
Total Other Restricted Funds:		1,363,846.32
Total Restricted Funds		22,463,365.39
Total of All Fund Accounts:		41,602,969.83

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

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

9. DEVELOPER APPLICATIONS

9.1 Preliminary Applications - No Further Action Required

Director Specht recommended the following Developer Applications for approval by the Commissioners:

2199 Mr. Thomas Hurst, LST Land, LLC, Minor Site Plan – Proposed Hardware Store, 149 Mantoloking Road, Preliminary, NFA – 1 Commercial Unit

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

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

2200 Mr. Edward James Ryan, Harbour Yacht Club & Marina, LLC, Major Site Plan – Proposed Two Story Garage & Service Building With Living space above, 501 NJ State Hwy. 35 SB, Preliminary, NFA, 1 Commercial Unit

Comm Lydecker questioned if this is a house with the garage underneath. Director Specht advised that it is the dockmasters house so you have a garage underneath with a shop and then the living quarters above that.

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

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

9.2 Other Applications - NONE

9.3 Release of Bonds

2186 Mr. James A. Trainor, 20 Cadiz Drive, Parallel Sanitary Sewer Installation, 20 Cadiz Drive

Director Specht advised that all outstanding deficient items were completed in August and he recommends release of the performance bond and putting them on a two year maintenance bond.

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

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

10. UNANTICIPATED/EMERGENCY CAPITAL EXPENDITURES - NONE

11. CUSTOMER ACCOUNTS RECONCILIATIONS

Director Clifford presented the following customer account reconciliations for the Board's approval:

Sewer Credit

Account 4580808-0, 46 Capri Dr. David Godin. A Sewer credit is recommended in the amount of \$3977.97 due to a broken pipe. The quarter in question rose to 485,000 gallons while the average use is 6,000 gallons. This is a single family home and all repairs have been made and there are no other leaks. No other credits have been issued.

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

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

Sewer Credit

Account 10140802-0, 501 Manchester Ave. E.M. Leffler. A Sewer credit is recommended in the amount of \$1295.14 due to a broken pipe. The quarter in question rose to 187,000 gallons while the average use is 33,000 gallons. This is a two family home and all repairs have been made and there are no other leaks. No other credits have been issued.

Chairman Flynn inquired if we inspect that the repair has been done in this type of situation. Director Clifford advised that our staff does inspect, however, in this case there was a broken pipe in the crawlspace and the pipe has been repaired but it is too tight to check so in that case we did verify that there was no usage on the meter.

Chairman Flynn asked if photographs taken in the field can somehow be kept as a visual record with the account. Director Vaccaro advised that we can put it into Vueworks. Director Clifford advised that photographs are also kept in Edmunds of tampering, etc. Director Vaccaro advised that we are heading in that direction with Laserfiche.

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

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

12. CONTRACT CLOSE-OUTS - NONE

13. AUTHORIZATION TO EXPEND APPROVED FUNDS - NONE

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

- a. **Authorization to Issue a Request for Proposal to Adams, Rehmann & Heggan, Associates, Inc. for Professional Engineering Consulting Services for the Design, Permitting, NJEIFP Requirement, Bidding and Award, Construction Administration/Management and Inspection (if and when directed by Brick Utilities) for the Water Main Replacement for Various Stream Crossings**

Director Specht advised that earlier this year, H2m completed their condition assessment of numerous stream crossings as well as some water mains in Cedar Village. They categorized each one and he recommended at this time that we proceed with the design of the stream crossings that they recommend we replace.

Chairman Flynn asked about the timing. Director Specht advised that these projects will probably be about one year for the design and approval through the Trust.

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

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

- b. **Authorization to Proceed with the Internal Design and Advertisement for Paving Replacement on Lockwood Avenue between Vivian Court and Sunset Drive in Howell Township; Capital Project No. TO BE DETERMINED**

Director Specht advised that on July 31st we had a major water main break in this area and the road was recently paved by the Township of Howell. There was extensive damage to the new overlay and they require that we now mill and pave to make these repairs for a preliminary estimate of \$80,000 with a two year maintenance bond. Director Vaccaro provided additional background on the insurance coverage related to this matter.

There was discussion regarding the use of a vibratory roller possibly causing this problem. Chairman Flynn suggested that in the future we need to provide specific direction not to use this type of equipment in areas where ACP pipe is present.

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

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

15. ADOPTION OF PERSONNEL ACTIONS

Comm. Fozman made a motion to approve the personnel items listed in the Director's report.
Seconded by Comm. Curtis.

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

16. OLD BUSINESS

17. NEW BUSINESS

17.1 Township of Brick – Waiver Request for the Installation Fees for the Water and Sewer Taps and the Meter at the Police Firing Range

Director Specht advised that Resolution 53-03 passed by the board in 2003 authorizes the Authority to waive the application, review and inspection fees, however not the connection fees or initial service charges. Essentially the installation fees are silent and it is up to the Board if they would like to waive these fees in the amount of \$1,000.00

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

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

17.2 Special Use Permit Requests for the Brick Reservoir

Director Specht presented the following requests to utilize the Brick Reservoir:

- a. Organization: Oros Bais Yaakov**
Description: A school trip to watch the sunrise by the water
Date: Thursday, September 14, 2017 from 6:30 a.m. to 8:30 a.m.
Special Needs: Permission to serve breakfast and possibly open the reservoir at 6:15 a.m.
(NOTE: The applicant was informed that the Reservoir does not open until 6:30 a.m. and the Special Use Permit Start Time was changed accordingly to 6:30 a.m.)
No. of Participants: 75
Contact: Nechama Bimbaum
Event Status: 1st time

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

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

b. Organization: Dottie's House

Description: 5K Walk/Run to benefit Dottie's House, a transitional housing facility for women and their children who have survived domestic abuse

Date: Saturday, October 28, 2017 from 8:00 a.m. to 1:00 p.m.

Special Needs: Unknown at this time

No. of Participants: 150-200

Contact: Nancy Barros

Event Status: 2nd Year (1st time was April 26, 2014)

Comm. Lydeckers asked if they plan to solicit donations from the individuals walking the Reservoir. Director Specht advised that he does not know. Counselor Montenegro advised that our permit is only for the use, we don't sanction anything.

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

AYES: Comm. Lydecker, Curtis, Fozman, Flynn

NAYS: None

ABSTAIN: None

c. Organization: Wedding

Description: Small wedding ceremony with photos

Date: Saturday, September 2, 2017 from 7:30 p.m. to 8:15 p.m.

Special Needs: None

No. of Participants: 10-12

Contact: George Silvers III

If was discussed that the Authority consider making provisions for all to create a bond in case of damage or clean up issues. Director Specht advised that we are currently looking at the policies for the use of the Reservoir.

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

AYES: Comm. Lydecker, Curtis, Fozman, Flynn

NAYS: None

ABSTAIN: None

18. RESOLUTIONS

67-17 Honoring William Hotz and Authorizing a Memorial Bench at the Brick Reservoir in His Memory

Director Specht stated that as the Board is aware Bill passed untimely on May 31st and in the past the Board has authorized us to dedicate benches to employees at the Reservoir. Bill will unfortunately be the 4th inductee to this area. There will be a ceremony to dedicate the bench to Bill on September 30th at 10:00 a.m where we will make the presentation of the bench and also anticipate providing them a copy of this resolution and presenting Bill's wife Bonnie with Bill's 25 year watch that he never got.

Comm. Curtis made a motion to approve Resolution No. 67-17. Seconded by Comm. Lydecker.

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

68-17 **Memorializing the Award of a Contract for the Final Paving Associated with the Replacement of Manhole No. 11-28 at the Intersection of Princeton Avenue and First Street to Shore Top Construction Corp./All Surface Paving in the Amount of \$24,100.00; Capital Project No. 817002 – Emergency Replacement of Manhole No. 11-28**

Director Specht advised that he polled the board to proceed with the paving in advance of school starting on September 5th.

Comm. Curtis made a motion to approve Resolution No. 68-17. Seconded by Comm. Lydecker.

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

69-17 **A Resolution Awarding a Contract to Joseph Maggio, Director of Water Quality for a Five Year Term Commencing January 1, 2018**

Director Theodos advised that this resolution provides for the Authority to enter into an agreement with Joseph Maggio, Director of Water Quality, commencing January 1, 2018 for a term of five years and is subject to the terms and conditions of an employment agreement to be executed by Joseph Maggio and the Authority.

Comm. Fozman made a motion to approve Resolution No. 69-17. Seconded by Comm. Curtis.

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

Chairman Flynn congratulated Director Maggio and asked him to keep up the good work. Director Maggio expressed his thanks to the Chairman, the Executive Director and the Board for the support that has always been afforded his department and provided his confidence that he will continue to work very hard.

70-17 **Change Order No. 2 for an Increase in the Contract Amount of \$77,258.65 with the County of Ocean – Replacement of the Transite Water Main Associated with the Garden State Parkway Interchange No. 91; Contract No. 714006 – Transite Water Main Replacement at GSP Interchange 91**

Director Specht advised that the County's contractor Green Construction submitted 24 PCO's totaling \$106,000.00, however we were able to negotiate this down to \$77,258.65. There were a

number of items that were not included in the bid, primarily for one inch water services and there were some 1.5" services required as well as 12" ductile iron pipe that was not originally included.

Comm. Curtis made a motion to approve Resolution No. 70-17. Seconded by Comm. Fozman.

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

71-17 Award of a Fair and Open Agreement with Maser Consulting P.A. in a Not-To-Exceed Cost of the Work Basis in the Amount of \$29,220.00 for Professional Engineering Consulting Services for the Feasibility Study, Design and Miscellaneous Costs for the Roof Hatch System at the Raw Water Pump Station. Capital Project No. 917001 – Roof Replacements at the Finished Water Pump Station, the Generator Building, the Pre-Treatment Building and the Raw Water Pump Station

Director Specht advised that last month the Board authorized him to proceed with the design and advertisement for the replacement of roofing that was installed in the early 90s that has now exceeded its useful life. However, in further discussions with the Water Quality Department it was determined that in order to facilitate the removal of the four large pumps we are looking at a roof hatch system where they can be pulled out. There are structural modifications that will be required in order to install the roof hatch systems. It was also noted that the pumps are coming due for maintenance that will require them to be removed.

Comm. Fozman made a motion to approve Resolution No. 71-17 . Seconded by Comm. Curtis.

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

72-17 A Resolution Authorizing Application for Loans from the New Jersey Environmental Infrastructure Trust Financing Program

Director Vaccaro advised that as part of the loan application process an authorizing resolution needs to be adopted by the Board that will cover current and future loan applications filed. Director Theodos added that the projects will be approved on a case by case basis by the Commissioners, but this just allows the applications to be filed.

Comm. Fozman made a motion to approve Resolution No. 72-17 . Seconded by Comm. Curtis.

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

19. EXEMPT SESSION
(Personnel, Contracts & Potential Litigation Only)

Counselor Montenegro read the following into the record: "Resolution of the Brick Township Municipal Utilities Authority to enter into executive session. Whereas section 8 of the Open Public Meetings Act NJSA 10:4-12 permits the exclusion of the public from a meeting in certain circumstances and, whereas this public body is of the opinion that such circumstances exist. Now therefore be it resolved by The Brick Township Municipal Utilities Authority that the public shall be excluded from discussion of and action upon the here and after specified subject matter and that is contract negotiations. It is anticipated at this time that the subject matter will be made public if and when the confidentiality is no longer needed and action may be taken. This resolution is to take effect immediately. The Commissioners will reconvene public session after the executive session you are welcome to remain outside and come back after the public session."

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

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

The group entered exempt session at 8:00 p.m.

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

20. PUBLIC DISCUSSION

At this point in the meeting, Chairman Flynn opened up the meeting for public discussion.

Ed Cooper, Local 32 OPEIU, Chief Shop Stewart addressed the commissioners indicating that the OPEIU group would like to sit down negotiate in good faith with the current negotiation team prior to the scheduled mediation on the 25th if possible. He stated that one of the reasons he is here is because he has been told by different people that the Union has been trying stall tactics to try to not negotiate which is not true. He stressed that the group would like to negotiate and he believes we are not far away from getting the contract settled.

Director Theodos advised that their representative has requested mediation because the last offer was rejected.

Chairman Flynn asked if we can meet with the group if the mediation is already scheduled. Counselor Montenegro stated that even though mediation is scheduled we can certainly meet, the terms and conditions of any discussion would not be subject to public discussion at this time. Counselor Montenegro addressed Mr. Cooper stating, that it is the Board's understanding that the Union would like to meet with the negotiating committee prior to mediation. He advised the Board and Director Theodos to take that under consideration and respond back to the Union representative at the appropriate time.

Counselor Montenegro stated that we are back in open session with regard to the request for a meeting with the negotiation committee, the commissioners are agreeable to meet and implore you to discuss this with your Union representative and provide a productive agenda and they will be happy to

meet.

21. COMMENTS FROM COMMISSIONERS, PROFESSIONALS & STAFF

Director Specht provided an update on the generator project stating that many major items have been completed including relocating the SCADA panel. In addition the existing generators were removed from the site today, as well as the 4,000 gallon storage tank. Starting next weekend we will be having shutdowns during the day to the control building to complete the installation of the new switch ger. Director Specht commented that by the end of September the project should be complete and to date everything has gone smoothly.

Director Maggio advised that we have been winding down the high demand season, and that unlike last year this was some smooth sailing. All equipment worked well and the water quality and supply more than met customer demands. He indicated that he hopes to continue with a smooth and uneventful fall.

Director Maggio advised that as a result of a suggestion by Chairman Flynn at a Watershed meeting we have started a reconnaissance program in a five mile radius in the watershed for enhanced protection for our intake. He explained that we are keeping track of this information and when we find things notable we reach out to the appropriate agencies.

Director Vaccaro congratulated Director Maggio on his employment contract and advised that he is looking forward to working with him and wished everyone a happy Labor Day Weekend.

Sue Brasefield thanked the Board for the recent roof design project.

Director Clifford wished everyone a good Labor Day.

Counselor Montenegro congratulated Joe Maggio on his contract, wished everyone a good Labor Day Weekend and advised the Chairman that it was a good meeting.

Executive Director Theodos congratulated Director Maggio on his contract for Director of Water Quality. He indicated that it is a pleasure working with Director Maggio and his staff and he looks forward to continuing to do so.

Comm. Lydecker congratulated Director Maggio and wished everyone a happy Labor Day.

Comm. Curtis congratulated Director Maggio and wished everyone a good Labor Day weekend

Comm. Fozman congratulated Joe Maggio and stated that he appreciates all he does for the MUA.

Chairman Flynn also congratulated Director Maggio and advised that he appreciates his commitment to the Water Quality Division.

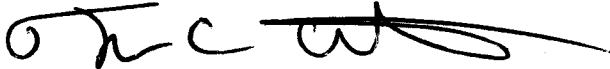
22. CLOSING STATEMENT

The next Meeting of the Authority will be a Public Meeting on Thursday, September 28, 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.

23. ADJOURNMENT

There being no further business to discuss the meeting adjourned at 8:52 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T.C. Curtis', with a long horizontal flourish extending to the right.

Thomas C. Curtis, Authority Secretary

TCC/mas