

**The Brick Twp. Municipal Utilities Authority**  
**Minutes of a PUBLIC MEETING Held on November 30, 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. An additional notice indicating the meeting time change was published on November 16, 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 (6:40 pm)  
William Neafsey  
Susan Lydecker  
Maria E. Foster

**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  
Mark Kitrick

**4. 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 the general nature of subject to be discussed will be personnel contract negotiations. It is anticipated at this time that the subject matter will be made public if and when the need for confidentiality no longer exists and action may be taken. This resolution shall take effect immediately.”

Comm. Curtis made a motion to enter exempt session. Seconded by Comm. Lydecker

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

ABSTAIN: None

At this time 6:01 p.m. the group entered exempt session.

On motion duly made and seconded in exempt session, and a unanimous vote the group returned to open session at 6:40 p.m.

**5. Adoption of Directors' Reports**

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

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

**6. APPROVAL OF MINUTES**

October 26, 2017, Regular & Exempt

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

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

**7. CORRESPONDENCE - None**

**8. APPROVAL OF BILL RESOLUTION**

Comm. Lydecker read the Bill Resolution dated November 30, 2017 in the total amount of \$3,837,518.62 as follows:

Total Operating Vouchers:	\$	423,691.57
Total Payroll:		1,036,456.21
Total Capital Vouchers:		424,345.90
Escrow:		16,816.03
Total Bill Resolution	\$	1,901,309.71

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

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

**9. TREASURER'S REPORT**

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

**Unrestricted Funds:**

Total Revenue Funds:	\$	10,805,308.76
Total General Funds:		11,966,167.74
Total Unrestricted Funds:		22,771,476.50

**Restricted Funds:**

Rate Projection Maintenance Fund:	2,854,576.08
Working Capital Fund:	1,618,326.64
NJEIT Processing Fund:	522,384.41
Construction Fund:	5,798,466.28
Total Bond Funds:	8,180,616.34
Total Other Restricted Funds:	1,415,104.00
Total Restricted Funds	20,389,473.75
Total of All Fund Accounts:	43,160,950.25

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

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

**10. DEVELOPER APPLICATIONS**

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

**10.2 Other Applications**

2195 Mr. Max Ferentinos, VP, Artis Senior Living, LLC, Artis Senior Living Memory Care Facility, Jack Martin Blvd., Final, 1 Commercial

Director Specht advised that preliminary approval was granted earlier this year for this application, and that the sanitary sewer will tie into an existing sewer main located in the JCP&L easement adjacent to the property. In addition, the installation of approximately 340 feet of water main is required. He recommended approval.

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

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

2201 Mr. Pinny Wolhendler, Spruce Equities, LLC, Spruce Estates, Van Zile Road, Preliminary, 8 Residential

Director Specht advised that this is a preliminary application that will require final approval by

the Board. He explained that this project entails an 8 lot subdivision, six of which will be residential with one lot being dedicated to the Township because it is undersize and the other lot will be dedicated for storm water detention. . A new sewer main will be installed on Van Zile Road for approximately 775 feet with three new sanitary manholes and approximately 600 feet of water main installed off of Van Zile Road. Each house will get their own sewer lateral and water service. Director Specht recommended preliminary approval.

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

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

NAYS: None

ABSTAIN: None

### 10.3 Release of Bonds

2128 Mr. Doran Tajfel & Mr. Carey Tajfel, CT07 135 Brick Blvd., LLC. & DT07 Brick, The Boulevard at Brick Apartments, Brick Blvd. & Hooper Avenue, Release of Performance Bond

Director Specht advised that the applicant has met all the requirements and it is recommended that the performance bond be released and they are allowed to go on their two year maintenance bond.

Chairman Flynn stated that we should take a picture of the internal meters with the shut offs on the outside so that when the next developer comes to us and says it can't be done we have proof that it can be done. Director Specht advised that we have pictures for that purpose.

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

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

NAYS: None

ABSTAIN: None

## 11. UNANTICIPATED/EMERGENCY CAPITAL EXPENDITURES - NONE

## 12. CUSTOMER ACCOUNTS RECONCILIATIONS

Director Clifford presented the following customer account reconciliations for approval by the Board.

### One Time Credit

Account 14220804-0, 28 2<sup>ND</sup> ST. John Laczynski. A One Time credit is recommended in the amount of \$1,358.30 due to a leaky toilet. The quarter in question rose to 225,000 gallons while the average use is 37,000 gallons. This is a single family home and no other credits have been issued and there are no other leaks.

It was discussed that we include a message on our bills to remind customers who leave for the winter to winterize their system and meter.

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

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

One Time Credit

Account 18151207-0, 5 Longfellow Ct. Dorothy Betcher. A One Time credit is recommended in the amount of \$1748.45 due to leaky toilets. The quarter in question rose to 266,000 gallons while the average use is 24,000 gallons. This is a single family home and no other credits have been issued and there are no other leaks.

Comm. Lydecker asked when this credit is from. Director Clifford advised that in June we hung a tag to contact us and the property was vacant so no one responded to the tag. We went out again to read in September and noticed that the consumption was very high and the tag was still there. We were able to get in touch with the daughter of the resident and turn it off. It has been repaired.

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

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

Sewer Credit

Account 12480002-0, 34 River Ave. Andrew Savoca. A Sewer credit is recommended in the amount of \$1051.25 due to a broken pipe. The quarter in question rose to 144,000 gallons while the average use is 19,000 gallons. This is a single family home and all repairs have been made and there are no other leaks.

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

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

**13. CONTRACT CLOSE-OUTS - NONE**

**14. AUTHORIZATION TO EXPEND APPROVED FUNDS - NONE**

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

- a. Authorization to Receive Quotes for the Replacement of V575, a 2006 Ford Ranger 4x4 Extra Cab; V589, a 2007 Ford Ranger 4x2 Super Cab; and V613, a 2007 Ford Ranger Super Cab**

Director Specht advised that the replacement of these vehicles is in accordance with our capital plans for 2017/2018.

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

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

**b. Requesting Authorization to Advertise and Solicit Bids for the Construction of the Granular Activated Carbon (GAC) System at the William Miller WTP**

Director Maggio advised that the plan is to move forward with the bidding process as soon as we receive commitment of funds from the EIT loan program. Chairman Flynn inquired about the status of the grants. Director Maggio advised that the plans are complete pending review by the Planning Board and the completion of the review by NJDEP, but we are well underway with the review process. Chairman Flynn asked if we are going to be bidding the building and the equipment at the same time. Director Maggio advised that it will be bid as one cohesive project.

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

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

**16. ADOPTION OF PERSONNEL ACTIONS**

Comm. Lydecker made a motion to adopt the personnel actions. Seconded by Comm. Curtis

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

**17. OLD BUSINESS**

Comm. Curtis inquired asked if we have liability insurance for the outside laboratory work. Director Vaccaro advised that our insurance does not cover us for outside testing and that our risk consultant is in the process of soliciting bids for insuring the Authority for outside laboratory testing.

Comm. Lydecker asked for an explanation as to why we would need it and why we don't have it. Director Vaccaro had no explanation as to why didn't have it except to say that it must have been an oversight of assuming all these years that we had it. He stated that it wasn't until Executive Director Theodos asked him that it was discovered. He advised that it would be required in the instance where we did testing for another entity and the results were determined to be incorrect which a potential liability is. Director Vaccaro stated that it was always assumed that it was covered under the NJUA JIF since we are an NJDEP certified testing laboratory.

Counselor Montenegro stated that you must rely on your insurance representative as to the coverage that you have and it is a very dangerous situation not to be insured for this testing. He advised that the Authority should weigh the income that we receive against the cost of the premium to determine if it is cost effective.

Chuck Fallon stated that since the Authority does outside inspection for other agencies and municipalities we may want to look into getting insurance for that as well. Director Specht advised that we include it in our agreements so it is covered.

Director Maggio stated that we may want to look into our shared service agreement with Passaic Valley where insurance coverage was reviewed and deemed to be satisfactory.

## **18. NEW BUSINESS**

Chairman Flynn suggested changing the scheduled December 28<sup>th</sup> meeting to a week earlier on December 21<sup>st</sup> since a lot of people are not around that week.

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

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

Chairman Flynn stated that he has received a couple of questions at different times about different subjects from the other commissioners and he reminded them that they get committee meeting minutes and they need to read them. He added that there is a lot of things that go on at these meeting and most of the questions can be answered by reading those minutes.

## **19. RESOLUTIONS**

**84-17      A Resolution for Approving and Authorizing Award of a Contract to Shore Top Construction Corp., in the amount of \$42,415.00 for Lockwood Avenue Paving Repair in Howell Township, Monmouth County, New Jersey Contract No. 717023 – (Tabled from October 26, 2017 Public Meeting)**

Comm. Fozman made a motion to adopt Resolution No. 84-17. Seconded by Comm. Lydecker

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

**89-17      Award of a Public Contract to DSC Construction, Inc. in the Amount of \$2,410,000.00 for the Breton Woods – Section 1 Water Main Replacement; Contract No. 716001B; New Jersey Environmental Infrastructure Financing Program Project No. 1506001-009, Contract 1 of 1**

Chairman Flynn advised that we are going to table Resolution No. 89-17 in order to review the job specifications.

Comm. Curtis made a motion to table Resolution No. 89-17. Seconded by Comm. Foster

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

**90-17            A Resolution Amending the Brick Township Municipal Utilities Authority  
Schedule of Rates, Fees & Service Charges Pertaining to Item No. 1.6  
Termination of Service Due to Non-Payment**

Comm. Curtis stated if someone is living in the house not paying mortgage, taxes insurance, etc., they are going to stop paying their water bill because their water is not going to be shut off. He asked when that goes to tax sale and those people walk away from the house who pays the bill? Director Clifford stated that when the lien goes to tax sale an investor purchases the lien and we get made whole on the debt and then it is their problem because they take that risk knowing they may not get paid. Director Clifford added that we will be advising them that they will be sent to tax sale and they will have ample opportunity to make good on the bill.

Chairman Flynn asked if the verbiage can allow for us to either turn the water off or send them to tax sale. Counselor Montenegro stated that the way that we have revised the policy 1.6 as of today indicates that if the tax lien sale is the available remedy that will take priority. However if you are not subject to the tax sale remedy, which for example we have customers that live in Howell, and we don't have control over that tax sale then the remedy would be to turn off the water.

Comm. Fozman made a motion to adopt Resolution No. 90-17. Seconded by Comm. Curtis

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

**91-17            Appointing the Legal Firm of McManimon, Scotland & Baumann, LLC as  
Alternate Legal Counsel of the Brick Township Municipal Utilities  
Authority for a period commencing November 30, 2017 through January 31,  
2018**

Director Theodos advised that this will allow the firm of McManimon, Scotland & Bauman, LLC the ability to provide legal services on an as needed basis.

Comm. Curtis made a motion to adopt Resolution No. 91-17. Seconded by Comm. Lydecker

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

**92-17            Award of Meter Bid**



Director Maggio advised that this resolution will provide for the award of a contract in the amount \$1,188,000.00 to Core & Main LP for the purchase of Sensus metering equipment and appurtenances. This project is being funded through NJEIT and we are purchasing 10,000 meters that we anticipate will last us upwards of two years as part of our meter replacement program.

Chairman Flynn asked Director Maggio the percentage of completed meters. Director Maggio advised that to date we have 38,000 meters and we have replaced 9500 so we have about 27,000 left. He added that in the two short years 9,500 is a significant pace.

Comm. Curtis made a motion to adopt Resolution No. 92-17. Seconded by Comm. Lydecker

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

**93-17      A Resolution Providing for the Introduction of the Horizon BC/BS OMNIA Insurance Plan in addition to the Authority's Existing Horizon BC/BS Direct Access Plan and eliminating the Horizon EPO Insurance Plan**

Director Theodos stated that as part of our ongoing efforts to reduce the cost of health insurance premiums for the employees, he has researched opportunities with our health insurance broker IMAC, and is pleased to inform the board that we have an optional voluntary plan that we can offer to employees. He explained that this plan will provide a 27% discount on the cost of health insurance to those employees that are interested in exercising this option. He advised that we will be having informational sessions with the employees over the next couple of months and hope to have this available for introduction in the early part of the year.

Comm. Lydecker thanked Director Theodos for taking the initiative to do this.

Comm. Curtis made a motion to adopt Resolution No. 93-17. Seconded by Comm. Lydecker

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

**94-17      A Resolution Approving the terms of the November 3, 2017 Mediation Memorandum of Agreement to enter into a 3 year Agreement with the Office & Professional Employees International Union Local 32, and authorizing the Chairman and Secretary to execute a 3 year Agreement on behalf of the Brick Township Municipal Utilities Authority**

Comm. Foster made a motion to adopt Resolution No. 94-17. Seconded by Comm. Lydecker

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

Director Specht stated that the Board should have received Maser's 2016 Annual Consulting Engineer's Inspection Report which has been reviewed by staff. He added that Sue Brasefield our consulting engineer will provide highlights of the report.

Ms. Brasefield advised that the report was prepared in conjunction with the Authority's Directors and the director's annual reports were utilized to put together the data. She stated that she and her staff also went out and did an inspection of the system to document the current status and everything at the MUA has been found to be in good operating order. She stated that the Authority has done a tremendous amount of work especially since Hurricane Sandy and this report documents the ongoing upgrades and repairs that have been done and many of the construction projects are now coming to an end. She concluded by saying that the Authority is in a very good operating conditions and the records kept are very accurate.

Comm. Lydecker brought to light an issue that she had with one of the comments. Chairman Flynn suggested that we will table the adoption of the report until next month when the matter can be further discussed.

Comm. Curtis made a motion to table Resolution No. 95-17. Seconded by Comm. Lydecker

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

## **20. PUBLIC DISCUSSION**

None

## **21. COMMENTS FROM COMMISSIONERS, PROFESSIONALS & STAFF**

Director Vaccaro asked if an indemnification clause in the laboratory agreements would be sufficient to protect the Authority. Counselor Montenegro stated that it would be up to the credibility and financial worthwhile of the agency that is indemnifying us, but we would definitely be a defendant in the suit by a third party that they are doing the water testing and also we would be on the hook for our own legal fees and expert witness fees which would be covered by insurance if we had it.

Chairman Flynn asked Director Vaccaro to follow up with Counselor Montenegro.

Chairman Flynn asked if we have received a discounted insurance rate for pump stations now that we have modified them to be out of the flood plain. Director Vaccaro stated that we are looking at getting flood insurance for the ASR location and are waiting to get rates. Director Vaccaro stated that we only have flood insurance on the Riverside Drive Pump station.

Director Maggio thanked the Board for supporting his two important projects that we had on the agenda and wished everyone a happy holiday season.

Director Specht advised that system wide flushing was completed earlier this month and it worked out very well and took us approximately six weeks and we will do an annual flushing now every October.

Director Specht also advised that we did our final walk through on the generator project with CME and Thomas Controls yesterday and a final punch list will be generated. He stated we will be looking to close out the project early first quarter of next year. Director Specht advised that there is a pre-construction meeting with National Water Main next week to start the lateral repair work on the barrier island. He added that he expects that to get going right after the New Year.

Chuck Fallon stated that the Authority is entertaining changing the rate structure and we will be presenting a draft report at the next Finance Committee meeting giving the various options. Director Clifford stated that we are also going to have our budget for review so we have to be careful when we do schedule a meeting we still need to allow time to compile the budget and go through the final phase of that. Director Theodos suggested that we move the rate structure meeting to January and just concentrate on the budget in December.

Director Clifford thanked the commissioners and fellow directors for working with him this past year. He praised Executive Director Theodos stating that he has been very willing to look at things from a different perspective and he really appreciates that.

Chairman Flynn congratulated Comm. Foster on her new position as a member of the Board of Education and everyone for great forward thinking.

Comm. Foster made a motion to adjourn. Seconded by Comm. Curtis

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

## **22. CLOSING STATEMENT**

Ms. Sylvester advised that the the next Meeting of the Authority will be a Public Meeting on Thursday, December 21, 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 8:35 p.m.

Respectfully submitted,



Thomas C. Curtis, Authority Secretary

TCC/mas