

**The Brick Twp. Municipal Utilities Authority  
Minutes of a PUBLIC MEETING Held on March 28, 2019**

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

**2. OPENING STATEMENT**

Following the Salute to the Flag, Ms. DiMatteo 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 3, 2019 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**

**Members Present**

Maria Foster  
Susan Lydecker  
William Neafsey  
Thomas C. Curtis  
Gregory Flynn, Chairman  
Jason Kiernan  
Sandra P. Hawthorne-Tormey

**Also Present**

Chris A. Theodos, Executive Director  
Stephen T. Specht, Dir. Engineering/Operations  
John Clifford, CFO  
Gary Vaccaro, Dir. Compliance & Technology  
Joseph Maggio, Dir. Water Quality  
Keri DiMatteo, Executive Administrative Assistant  
Sue Brasefield, MUA Engineer  
Nick Montenegro, Esq., MUA General Counsel  
Chuck Fallon, MUA Auditor  
Joseph Simonetta, Authority Consultant

**4. Adoption of Directors' Reports**

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

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

**5. APPROVAL OF MINUTES**

Comm. Lydecker made a motion to adopt the Regular and Exempt Meeting Minutes for February 28, 2019. Seconded by Comm. Curtis

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

**6. CORRESPONDENCE – NONE**

**7. BILL RESOLUTION**

Comm. Neafsey read the Bill Resolution dated March 28, 2019 in the total amount of \$1,896,247.71 as follows:

Total Operating Vouchers:	\$	338,429.26
Total Capital Vouchers:		445,529.21
Total Payroll:		1,112,289.24
Total Bill Resolution:	\$	1,896,247.71

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

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

**8. TREASURER'S REPORT**

Comm. Lydecker read the Treasurer's Report balances for the month ending February 28, 2019 as follows:

**Unrestricted Funds:**

Total General Funds:	\$	15,224,606.47
Total Unrestricted Funds:		25,887,575.48

**Restricted Funds:**

Rate Projection Maintenance Fund:	2,854,576.08
Working Capital Fund:	643,747.33
Processing Fund:	1,262,547.39
Construction Fund:	5,398,641.26
Total Bond Funds:	7,263,053.12
Total Other Restricted Funds:	1,429,231.22
Total Restricted Funds	18,851,796.40
Total of All Fund Accounts:	44,739,371.88

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

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

## **9. DEVELOPER APPLICATIONS**

### **9.1 Preliminary Applications - No Further Action Required - NONE**

### **9.2 Other Applications - NONE**

### **9.3 Release of Bonds**

2074 Nicholas Zampetti, NMZ Construction, Minor Subdivision & Sanitary Sewer Extension on Olympic Street & Seattle Avenue, 321, 325, 329 Seattle Avenue, Release of Performance Bonds

Director Specht reviewed this action with the Board. He advised that the exception test was completed in October 2018 and as-builts were received in February 2019.

Director Specht recommended approval of the release of performance bond and they go on a two year maintenance bond.

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

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

NAYS: None

ABSTAIN: None

2155 Mark Cannuli, AICP, VP, Sharbell Building Company, LLC, Major Subdivision – Formerly Church of St. Pio including Sanitary Sewer Extension, Route 35 South, Seventh Avenue & Route 35 North, Release of Performance Bond

Director Specht reviewed this action with the Board. He advised that the exception test was completed in June 2018. Receipt of utility easements were received in October 2018 and we received the as-builts in January 2019.

Director Specht recommended approval of the release of performance bond and they go on a two year maintenance bond.

Chairman Flynn asked if we grant an extension if they do not complete the project within the two years of the maintenance bond.

Director Specht advised that we will extend the bond until everything is complete.

Commissioner Curtis asked even for one house.

Director Specht replied that he was correct.

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

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

2171 Daryl Monticello, Northeast Home Construction, K&S Wall Properties' Shreeji Medical Center, 1691 & 1695 Route 88 West, Release of Performance Bond

Director Specht reviewed this action with the Board. He advised that the applicant installed two -1" water services as well as abandoned the one - 1½" water service. The existing sewer service was utilized. Based on that, there are only two water services involved, therefore he would recommend release of the bond and waiver of the maintenance bond.

Commissioner Curtis asked if they are open and running.

Director Specht advised they are open now.

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

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

**10. UNANTICIPATED/EMERGENCY CAPITAL EXPENDITURES - NONE**

**11. CONTRACT CLOSE-OUTS - NONE**

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

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

**14. ADOPTION OF PERSONNEL ACTIONS**

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

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

**15. COMMITTEE DISCUSSION - NONE**

**16. OLD BUSINESS - NONE**

**17. NEW BUSINESS**

## 17.1 Reservoir Special Use Requests

Director Specht advised that all of the requests are not during our blackout period (Memorial Day to Labor Day).

- a. *Description:* Easter Sunrise Service  
*Organization:* St. Paul's United Methodist Church  
*Date:* Sunday, April 21, 2019 from 6:30 a.m. to 8:00 a.m.  
*Special Needs:* None  
*No. of Participants:* 100  
*Contact:* Melissa Jensen  
*Status:* 10<sup>th</sup> time with no previous incidents

Director Specht reviewed this request with the Board and recommended approval.

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

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

- b. *Description:* Epiphany St. Vincent de Paul Walk for the Poor  
*Organization:* Epiphany Church  
*Date:* Saturday, April 27, 2019 from 8:00 a.m. to 11:00 a.m.  
*Special Needs:* None  
*No. of Participants:* 50  
*Contact:* Jean Bucci  
*Status:* 4<sup>th</sup> time with no previous incidents

Director Specht reviewed this request with the Board and recommended approval.

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

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

- c. *Description:* Run for Joy 5K  
*Organization:* Cornerstone Calvary Chapel  
*Date:* Saturday, October 5, 2019 from 8:00 a.m. to Noon  
*Special Needs:* None  
*No. of Participants:* 100 - 200  
*Contact:* Kim McCarnzk  
*Status:* 3<sup>rd</sup> time with no previous incidents

Director Specht reviewed this request with the Board and recommended approval.

Commissioner Curtis asked about parking for 200 people.

Director Specht advised that there is enough parking at the church.

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

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

**18. RESOLUTIONS**

**34-19 A Resolution to Amend Introduced Budget Prior to Adoption**

Director Clifford reviewed this resolution with the Board. He explained that the State gave us approval but are requiring us to make a small change. He explained that when we projected what our expenses and revenue were going to be, we were taking in more on the water side then the sewer side. Therefore we put in a negative \$912, 582.00 to balance the spreadsheet representing net income. The State only wants to see if we are taking from surplus. Therefore, we were required to amend that from a negative \$912,582.00 to a zero. This is something we must do before we can adopt the budget.

Director Clifford recommended approval.

Comm. Neafsey made a motion to adopt Resolution No. 34-19. Seconded by Comm. Foster

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

**35-19 2019 Adopted Budget Resolution-Water**

Director Clifford reviewed this resolution with the Board and explained this is with the corrections made.

Comm. Curtis made a motion to adopt Resolution No. 35-19. Seconded by Comm. Lydecker

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

**36-19 2019 Adopted Budget Resolution – Sewer**

Director Clifford reviewed this resolution with the Board and explained this is for the Sewer side of the previously approved budget.

Comm. Curtis made a motion to adopt Resolution No. 36-19. Seconded by Comm. Lydecker

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

**37-19**

**A Resolution Authorizing the Transfer of Certain Funds to Working Capital Account**

Director Clifford reviewed this resolution with the Board. He explained that periodically we transfer money from our general funds to the working capital to fund our internally funded projects.

Comm. Neafsey made a motion to adopt Resolution No. 37-19. Seconded by Comm. Lydecker

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

NAYS: None

ABSTAIN: None

**38-19**

**A Resolution for the Award of Bid for Road Patch Materials**

Director Clifford reviewed this resolution with the Board. He explained that we had five bidders, four of them are being awarded this evening.

Comm. Neafsey made a motion to adopt Resolution No. 38-19. Seconded by Comm. Curtis

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

NAYS: None

ABSTAIN: None

**39-19**

**A Resolution Authorizing Award of Contract for Laboratory Instrument Service Contract to Vendor Full Spectrum in the Amount of \$25,074 Funded From Account 203-8202**

Director Maggio reviewed this resolution with the Board. He explained that this is our annual service contract for all of our lab instruments that are manufactured by Agilent Technologies. This is our first year with this new vendor who offered us a better price. He assured that this vendor understands and will meet our needs.

Chairman Flynn asked how many pieces of equipment this involves.

Director Maggio advised that it covers three gas chromatographs, two mass spectrometer detectors and some auto samplers. The second half of this contract will also cover the ICPMS once the original purchase manufacturer warranty expires.

Chairman Flynn asked if there was a better, longer term contract out there.

Director Maggio advised that generally they have only received a valid price from Agilent Technologies. We have asked in the past, but have never received an attractive value for a multiple year contract. He would not recommend doing that with a new vendor because he would like to make sure we are happy with the service they provide first. He advised that in the future we can pursue that.

Commissioner Curtis asked how much we use this.

Director Maggio advised that we use this a lot more frequently than you would expect. This is very

precise and very high tech equipment. We have multiple service calls to Agilent throughout the years. All of the service calls cost a couple of thousands of dollars a day for service technicians and parts. One of the things this new vendor will be doing, that Agilent did not, is providing us with at least 1-2 preventative maintenance visits for each piece of equipment during the year. They will be here often, giving us a great value from the vendor.

Chairman Flynn questioned an issue with a piece of equipment due to an HVAC failure that was in Director Maggio's monthly report.

Director Maggio explained that the incident took place over Presidents Day weekend. He explained that one of the gas chromatographs was not able to cool down adequately because the temperature in the Lab was too high. It took a technician three days to repair the instrument.

Chairman Flynn asked if that was part of the service contract.

Director Maggio advised that it was all covered.

Chairman Flynn asked if the failure was caused by error on our end.

Director Maggio advised that this was a result of the HVAC causing the temperature in the room to be in the 80's. Part of the instruments analysis is to cool down before it goes to the next step. The instrument did not cool down quick enough, because of the temperature in the room, causing the valve to fail.

Chairman Flynn asked what controls the temperature in the room.

Director Maggio advised that it was the thermostat. The buildings department repaired the problem right away and corrected the thermostat. It was something that occurred overnight.

Commissioner Curtis asked if there are warnings in the room to advise where the temperature should be.

Director Maggio advised that there are fire alarms but no detectors for the HVAC and thermostat.

Director Specht advised that these thermostats do not have alarms on them. He said we may be able to tie the temperature in the room to our SCADA system that would alert the operator if there is a problem with the heat in the room and then can call a technician.

Director Maggio advised that this was covered by warranty. It was not a result of misuse or abuse of the system or negligence.

Chairman Flynn would like us to consider a notification system on the temperature in the room.

Director Vaccaro advised that we have a temperature control notification system in the Communications Room.

Director Specht that he will take care of it.



Comm. Foster made a motion to adopt Resolution No. 39-19. Seconded by Comm. Lydecker

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

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

Counselor Montenegro read the following into the record: Counselor Montenegro stated: "This is a Resolution 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 now exist. Now therefore be it resolved by The Brick Township Municipal Utilities Authority as follows: the public shall be excluded from discussion of and action upon the hereinafter specified subject matter the general nature of subject matter to be discussed is litigation or anticipated litigation. It is anticipated at this time that the subject matters will be made public if and when confidentiality is no longer needed. Action may be taken this evening. This resolution shall become effective immediately."

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

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

At this time, 7:22 p.m. the group entered exempt session.

On motion duly made and seconded in exempt session the group returned to open session at 8:16 pm.

**20. PUBLIC DISCUSSION – NONE**

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

Director Vaccaro wished everyone a Happy Easter.

Mr. Montenegro stated that it was another great meeting.

Executive Director Theodos wished a Happy 50<sup>th</sup> Anniversary to the Brick Township Municipal Utilities Authority. He advised that the Authority was created by Ordinance No. 41-69 of the Township Council, on April 3, 1969. He looks forward to working with the Commissioners, Directors and the entire staff commemorating this milestone.

Chairman Flynn asked if the CCR is distributed to the Customers in a pamphlet.

Executive Director advised that our website is where the Customer can find the CCR. Customers will be notified in the next quarterly bill.

Chairman Flynn would like to note the 50<sup>th</sup> anniversary of the Authority on the bills.

Executive Director Theodos advised that he intends to prepare a newsletter, similar to years past, discussing current projects and include accomplishments highlighting our 50<sup>th</sup> Anniversary. We are also compiling a 50<sup>th</sup> Anniversary Journal with the assistance of the Directors.

Commissioner Tormey stated that it was a great meeting.

Commissioner Curtis wished everyone a nice weekend.

Chairman Flynn congratulated Director Vaccaro and his staff for receiving the 2018 NJUA Joint Insurance Fund Safety Incentive Program (SIP) Award. The award was presented to the Authority at the Annual Safety Awards Breakfast in Toms River on February 27, 2019.

Chairman Flynn wished everyone a good weekend and thank you.

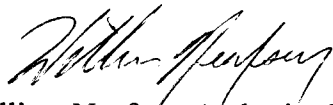
## **22. CLOSING STATEMENT**

Ms. DiMatteo read the following closing statement: *The next Meeting of the Authority will be a Public Meeting on Thursday, April 25, 2019 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, Brick.*

## **23. ADJOURNMENT**

On motion duly made and seconded, followed by a unanimous vote the meeting was adjourned at 8:24p.m.

Respectfully submitted,



William Neafsey, Authority Secretary

WN/kld