The Brick Twp. Municipal Utilities Authority
Minutes of a PUBLIC MEETING Held on December 19, 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

Absent
Sandra P. Hawthorne-Tormey

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

4. Adoption of Directors' Reports

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

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

5. APPROVAL OF MINUTES

Comm. Neafsey made a motion to adopt the Regular and Exempt Meeting Minutes for November 26, 2019. Seconded by Comm. Lydecker

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

6. CORRESPONDENCE - *NONE*

7. BILL RESOLUTION

Comm. Neafsey read the Bill Resolution dated December 19, 2019 in the total amount of $5,081,645.62 as follows:

Total Operating Vouchers:	$	381,905.12
Total Capital Vouchers:		3,168,883.82
Total Payroll:		1,530,856.68
Total Bill Resolution:	$	5,081,645.62

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

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 November 30, 2019 as follows:

Unrestricted Funds:		
Total Revenue Funds:	$	10,819,618.33
Total General Funds:		10,512,434.44
Total Working Capital Fund:		340,978.80
Total Processing Fund:		1,561,988.97
Total Unrestricted Funds:		23,235,020.54
Restricted Funds:		
Rate Projection Maintenance Fund:		2,854,576.08
Construction Fund:		3,745,430.66
Total Bond Funds:		8,317,375.48
Total Other Restricted Funds:		1,384,578.88
Total Restricted Funds		16,301,961.10
Total of All Fund Accounts:		39,536,981.64

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

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

2232A Mr. Amir Chizic, HFZ Super Dome, LLC – Superdome South – Major Site Plan (Property Lot 30.02) – NJ State Highway Route 70 – Final, 3 Commercial

Director Specht reviewed the above application with the Board. He explained that his is the old Foodtown site on Route 70. He stated that we received preliminary approval on both of these applications on June 26, 2019 and that this is for final approval. 2232A and 2232B have the same site improvements, therefore Director Specht discussed them both together. With regards to the sewer main, we will be extending approximately 1,000 feet of sewer main onto the property. There are existing sewer laterals which will be removed and abandoned. Four new manholes will be installed and the appropriate sewer laterals will be servicing each building.

With regard to the water main, based on our preliminary approval, the applicant has agreed to extend the water main from South Pier Avenue onto the site. There will be six fire hydrants which will have the appropriate services to each building on both properties. There are three existing storm water outfalls which will be removed and two storm water outfalls will be constructed using the appropriate treatment devices. The application has been reviewed by our watershed division and they are in conformance with our requirements. The application will also require a CAFRA permit.

Director Specht recommended final approval of both 2232A and 2232B.

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

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

2232B Mr. Jack Morris, M&M at Route 70, LLC – Marketplace at Forge Pond – Major Site Plan (Property Lot 30.01) – NJ State Highway Route 70 – Final, 3 Commercial

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

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

9.3 Release of Bonds - *NONE*

10. UNANTICIPATED/EMERGENCY CAPITAL EXPENDITURES - *NONE*

11. CONTRACT CLOSE-OUTS - *NONE*

12. AUTHORIZATION TO EXPEND APPROVED FUNDS

a. Annual Renewal of ESRI ArcGIS Software Maintenance Support Contract - $21,345.07.00; Vendor – ESRI; Operating Account 502-8202

Director Vaccaro reviewed the above action with the Board. He explained that this renewal will provide licensing support including upgrades, updates and technical support for all of our GIS software

which includes both our desktop and server, as well as our ArcGIS online services. Since we have a shared service with Brick Township, they will pay $5,000 of the network licensing cost. Therefore, our approximate cost will be $16,345.00.

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

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

b. Annual Support Contracts for Unitrends Backup Data Storage Units; $17,320.00 Vendor – SHI; Operating Account 502-8202

Director Vaccaro reviewed the above action with the Board. He explained that as part of our disaster recovery strategy for our network, we have a recovery backup solution which consists of a primary and secondary Unitrend data recovery appliance unit which we purchased in 2016. The initial three year warranty expires on January 13, 2020. Therefore, we are seeking an annual purchase of a one year annual support contract for each unit. This includes hardware replacement for failed equipment as well as unlimited 24/7 technical support. The cost for each device is $8,660.00 and is under New Jersey State Contract.

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

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

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

14. ADOPTION OF PERSONNEL ACTIONS

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

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

15. COMMITTEE DISCUSSION - *NONE*

16. OLD BUSINESS - *NONE*

17. NEW BUSINESS - *NONE*

17.1 Reservoir Special Use Requests

a. Description: Run for Joy 5K
Organization: Cornerstone Calvary Chapel
Date: Saturday, May 16, 2020 (Rain Date: May 23, 2020) from 8:00 a.m. to Noon
Special Needs: None
No. of Participants: 100-200
Contact: Kim McCarrick
Status: 4th time with no previous incidents

Director Specht reviewed the above action with the Board and recommended approval.

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

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

18. RESOLUTIONS

85-19 A Resolution Authorizing the Brick Township Municipal Utilities Authority to Enter Into a Grant Agreement with the State of New Jersey Department of Environmental Protection for the Demonstration of NPS Reduction Strategies in the Metedeconk River Watershed

Director Maggio reviewed the above resolution with the Board. He explained that he is very proud and pleased to have received a $950,000.00 grant from the NJDEP to continue our watershed protection efforts in the Metedeconk River.

Comm. Foster made a motion to adopt Resolution No. 85-19. Seconded by Comm. Curtis

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

86-19 A Resolution Adopting the 2018 Annual Consulting Engineer's Report

Director Specht reviewed the above resolution with the Board. He stated that this report was compiled by Maser Consulting. The Board should have received a copy of the report yesterday.

Ms. Brasefield explained that the BTMUA is a very well run organization, led by a group of professionals that are in this room. She stated that Executive Director Theodos and all of the Directors are very proactive in monitoring and reacting to any changes in their collection of data. They keep themselves informed of any new regulations and are very proactive in reacting to changes in regulations or new issues that are apparent in New Jersey, regarding both the water and sanitary sewer issues. Ms. Brasefield explained the summary of recommendations is for continued monitoring and planning for watershed protection, drinking water quality and infrastructure upgrades. It is apparent that the Directors are constantly looking ahead at what needs to be done to make sure the water supply is safe and they are doing the most economical improvements to maintain the system for the long term. They also continue with the

GIS and VueWorks programs and the training with all of the employees to maintain the asset management and record keeping at the Authority.

Comm. Curtis made a motion to adopt Resolution No. 86-19. Seconded by Comm. Lydecker

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

87-19 A Resolution Authorizing Final Quantities Change Order No. 2 in the Contract Amount by $32,540.00 with National Water Main Cleaning Company for the Sanitary Sewer Lateral Connection Repairs on the Barrier Island; Contract No. 817001

Director Specht reviewed the above resolution with the Board. He explained that in 2017 we awarded a contract to National Water Main Cleaning Company based on the determination of the settlement with Am-Liner, the associated liners that are within 45 manhole runs in our system. National Water Main completed the repairs in May 2018. BTMUA staff was out in June 2019 to do follow up closed circuit TV inspection using our TV truck and found deficiencies in 13 of the 45 runs. Upon further evaluation, it was determined that six manhole runs of the 45 required additional remediation. We discussed the repairs with National Water Main Cleaning Company and determined that eight laterals require reinstatement due to the main still shifting. Four main repairs are required primarily due to splits in the line that still occurred. Eight lateral connection repairs are required in eight locations to further secure the existing liner. The contractor has indicated that he will do the work based on his 2017 bid.

Director Specht recommended approval.

Chairman Flynn asked when they plan on starting the work.

Director Specht advised that the contractor can have a crew out there in January.

Comm. Curtis made a motion to adopt Resolution No. 87-19. Seconded by Comm. Lydecker

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

88-19 A Resolution Authorizing Task Change Order No. 1 for a Reallocation of $50,000.00 on a Not-To-Exceed Cost of the Work Basis and a No Increase in the Agreement Amount with CME Associates for Additional Engineering Consulting Services for Permits and Construction Administration/Management for the Wastewater Pump Station Rehabilitation – Phase II Project; Capital Project No. 816002; NJWB Project No. S340448-11

Director Specht reviewed the above resolution with the Board. He explained there are two parts to this resolution. The first part is for additional permitting services for Land Use permits that were excluded from CME's original proposal. Based on the locations of Greenbriar, Burnt Tavern, Laurelbrook and Lanes

Mill Road pump stations, Land Use permits were required from the NJDEP. The total for the Land Use permits was $26,425.00 or approximately $6,600.00 per pump station, which is a reasonable amount to obtain a NJDEP Land Use permit.

The second modification is for construction administration and management of this project. CME provided a quote of $120,000.00 for full time inspection. They have funding for their resident engineer if they need to perform additional services that would not be performed by their office staff in order to complete the project. We have two pump stations, of the nine, almost complete. Director Specht is asking for an additional $23,575.00 to complete the construction administration and management. The contract amount has not been exceeded, therefore we will shift $50,000.00 of the $120,000.00 that was designated for inspection over to these two tasks.

Director Specht recommended approval.

Comm. Curtis made a motion to adopt Resolution No. 88-19. Seconded by Comm. Foster

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

89-19 A Resolution Authorizing the Construction of New Well No. 16 and Modifying the List of Capital Improvements to be Financed from Proceeds of the Authority's Revenue Bonds, Series 2016A

Mr. Ross reviewed the above resolution with the Board. He explained that this will decertify projects to cover the costs of this project.

Chairman Flynn asked Mr. Fallon to explain this further.

Mr. Fallon explained that in 2016, we had a 16 million dollar bond issue where we had a list of projects that we were going to use that money for. Since the Authority did not spend all of that money, it can now be used for current projects.

Comm. Neafsey made a motion to adopt Resolution No. 89-19. Seconded by Comm. Curtis

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

90-19 A Resolution of The Brick Township Municipal Utilities Authority to Call Upon The New Jersey Legislature to Reject Senate Bill 3870 and Assembly Bill 5391

Executive Director Theodos reviewed the above resolution with the Board. He explained that AEA requested the Authority's opposition to these bills and numerous Authority's throughout the State. Senate Bill 3870 and Assembly Bill 5391 eliminate the public referendum process currently required for the sale of a sewer system. The bills would permit approaches to evaluation of the sewer system that would unfairly inflate the sale price and burden the rate payers with inflated costs of operation thereafter. It is not a good bill for the public or for our rate payers.

Mr. Simonetta explained further that the bill is being heard in two Senate committees at this point. The assembly version of the bill has not moved. Right now the bill is in a position to be voted on the floor of the Assembly but has not moved in the other house. We are at the end of the two year legislative session there is only one more committee hearing scheduled for January 6, 2020 and then two voting sessions on January 9th and 13th. If this bill were to move it would have to move on those days in both houses, Senate floor, Assembly committee. Your resolution and timing is perfect because we can identify our position with our legislatures as this bill will probably move again in the new session which is scheduled for January 14th.

Chairman Flynn asked why Mr. Simonetta thought they were focusing on sewer and not water.

Mr. Simonetta replied to his understanding that water already went through this process. Water already allows this alternative process through the Board of Public Utilities but not sewerage.

Comm. Neafsey made a motion to adopt Resolution No. 90-19. Seconded by Comm. Lydecker

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

91-19 A Resolution Authorizing the Designation of State of New Jersey Public Agency Compliance Officer

Executive Director Theodos reviewed the above resolution with the Board. He explained that this a requirement of the State Department Treasury to ensure that we comply with affirmative action requirements for public contracting and is appropriate to have our Qualified Purchasing Assistant, Robert Bowers, designated as that individual.

Executive Director Theodos recommended approval.

Comm. Foster made a motion to adopt Resolution No. 91-19. Seconded by Comm. Lydecker

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

92-19 A Resolution Authorizing the Negotiation and Award of Emergency Contract Pursuant to NJSA 40a:11-6 for Repair Services to Well #12

Director Maggio reviewed the above resolution with the Board. He explained that Well #12, a critical part of our source water infrastructure, failed. This resolution will allow us to expedite the repair and return of this well to service. Our main goal is to have this repaired before our high demand season. The repairs will include the replacement of all of the pumping infrastructure, including the replacement of the column pipe, the pump shaft, the pump and other appurtenances. We are in coordination with our engineer as well as Director Specht, who is directly involved in the review and the designation of the strategy for our repair, which will be based mainly on the materials that will be used and how robust they are. We have had some concerns because of the age of the well and if we can execute a reliable repair. We

have done our due diligence, including a video inspection of the well and a test of the well to ensure that nothing within the well had shifted. Director Maggio was thankful and happy to say that all of those tests had indicated there is no inherent deficiency within the well that would preclude us from making a repair and having every reason to expect that the repair will last over the next five plus years. In that time we have talked internally about the budgeting process, given the age of the well, we should look to include the replacement of that well within our well replacement strategy in our capital asset management plan.

Chairman Flynn asked if he had a cost estimate.

Director Maggio advised that we have a basic cost estimate for replacing everything in-kind, which may very well be what we will do. That cost estimate is approximately $45,000.00 that is with the column pipe and the shaft and the pump. However, after todays discussion we are looking at possibly making some of the materials more robust, primarily the pump and we are looking at possibly going with flange column pipe or higher grade materials in the column pipe however just given the size of the well and geometry that may not be feasible but we are looking at options.

Chairman Flynn asked if the estimate includes material and install.

Director Maggio advised that would be for material. We already authorized the removal and the install of the pump and that is not included in the estimate given. That entire project was $18,000.00 to remove and reinstall all of the materials talked about.

Commissioner Lydecker asked what the upgrade cost would be since the estimate is $45,000.00.

Director Maggio advised that is something we will be receiving very shortly. There was a conference call this morning with our engineer, Unitech and internal staff where we discussed ideas to upgrade and if any were feasible. He explained the flange pipe may not fit in the well and how quickly we can get materials are all limitations since this is rather urgent to get back up and running. All of these factors will play in any decision making before recommending an approach.

Commissioner Curtis asked how long the last pump lasted.

Director Maggio advised this well was redeveloped in 2012/2013 due to a failure, not much different then what we had in 2016, which was also an emergency repair. Now we have a similar situation in 2019. We investigated possible causes as to why we thought we are having multiple failures and none of those investigations turned up any answers. Except for it may have been a sleeve that sits over the coupling on the shaft, came loose and fell down on the pump which ended up tearing the pump apart. The force then caused other damage within the column pipe which we caught very early.

Commissioner Curtis asked if the column pipe went bad in 2016.

Director Maggio advised that in 2016 we did replace a good portion of the column pipe because it had prematurely deteriorated. We reused some pieces of the column pipe because they were in reasonably good condition in 2016. Those pieces are now in poor condition, however, the column pipe is not what ultimately caused the problem with the well, which is a secondary issue. The sleeve that came loose caused a chain reaction.

Chairman Flynn asked what we did to the pump that last time this happened.

Director Maggio advised that last time we rebuilt the pump. He explained that rebuilding the pump is replacing all of the moving parts.

Chairman Flynn asked if we anticipate using the same pump.

Director Maggio advised that the cost of repairing this pump would have been more than a new pump.

Commissioner Curtis asked when we redevelop wells.

Director Specht advised that we usually redevelop every 5-7 years.

Commissioner Curtis stated that since 2012 we had to redevelop the well twice.

Director Specht replied that he was correct.

Comm. Neafsey made a motion to adopt Resolution No. 92-19. Seconded by Comm. Foster

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

19. PUBLIC DISCUSSION - *NONE*

20. 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 do 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 to be discussed is anticipated litigation. It is anticipated at this time that the subject matter will be made public if and when confidentiality no longer exists. Action may be taken this evening. This resolution shall become effective immediately."

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

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

At this time, 7:34 p.m. the group entered exempt session.

On motion duly made and seconded in exempt session the group returned to open session at 8:10 pm.

21. COMMENTS FROM COMMISSIONERS, PROFESSIONALS & STAFF

Executive Director Theodos wished Happy Holidays to everyone and their families. He advised the Board that the 50th Anniversary Journal is being published and will be distributed to the Board and employees next week.

Ms. DiMatteo wished everyone a Merry Christmas and Happy New Year.

Mr. Montenegro wished everyone a Merry Christmas and Happy Healthy New Year.

Director Specht advised the Board that vessels 13-18 were delivered and set this week so all of the vessels are here from Pittsburgh and Canada. Piping should be arriving in early January and then we will install the roof. He wished everyone a Merry Christmas and Happy New Year.

Director Maggio advised there has been tremendous progress on the GAC and something we should all be proud of what we are about to accomplish and have accomplished thus far. He wished everyone a Merry Christmas and Happy New Year.

Director Vaccaro wished everyone a very Merry Christmas and Happy New Year.

Ms. Brasefield wished everyone a Merry Christmas and Happy New Year.

Mr. Ross wished everyone a Merry Christmas and Happy New Year.

Mr. Fallon wished everyone a Merry Christmas and Happy New Year.

Commissioner Lydecker wish everyone a Merry Christmas and a safe happy holiday.

Commissioner Curtis wished everyone a Merry Christmas and Happy New Year.

Commissioner Foster wished everyone a Merry Christmas and Happy New Year. She thanked Executive Director Theodos and staff for our immediate response and repair to a broken water service on her street. She stated the guys were out there immediately and did a great job. Thank you for all of the work you do.

Commissioner Neafsey wished everyone and their families a happy and healthy holiday season.

Chairman Flynn stated that we give Commissioner Neafsey all of the support that he needs and hopes he stays strong. He wished everyone a Merry Christmas and Happy New Year.

22. CLOSING STATEMENT

Ms. DiMatteo read the following closing statement: *The next Meeting of the Authority will be a Public Meeting on Thursday, January 30, 2020 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 8:16 p.m.

Respectfully submitted,

William Neafsey

William Neafsey, Authority Secretary

WN/kld