

Minutes of a PUBLIC MEETING held on April 27, 2023

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

2. OPENING STATEMENT

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, 2023 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

Paul Mummolo
Harvey Langer
Erin Wheeler
Thomas C. Curtis

Absent

Susan Lydecker
Michael Blandina
William Neafsey

Also Present

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

Chair Curtis asked for a motion to appoint William Neafsey as Assistant Secretary/Treasurer.

Comm. Mummolo made a motion to approve this action. Seconded by Comm. Wheeler

AYES: Comm. Langer, Wheeler, Mummolo, Curtis
NAYS: None
ABSTAIN: None

4. Adoption of Directors' Reports

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

AYES: Comm. Langer, Wheeler, Mummolo, Curtis
NAYS: None
ABSTAIN: None

5. APPROVAL OF MINUTES

Comm. Mummolo made a motion to adopt the March 30, 2023 regular and exempt meeting minutes. Seconded by Comm. Wheeler

AYES: Comm. Langer, Wheeler, Mummolo, Curtis
NAYS: None
ABSTAIN: None

6. CORRESPONDENCE – NONE

7. BILL RESOLUTION

Comm. Wheeler read the Bill Resolution dated April 27, 2023 in the total amount of \$4,108,695.14 as follows:

Total Operating Vouchers:	\$	658,883.64
Total Capital Vouchers:		560,311.82
Total Payroll:		2,887,174.02
Escrow:		2,325.66
Total Bill Resolution:	\$	4,108,695.14

Comm. Mummolo made a motion to approve the Bill Resolution. Seconded by Comm. Langer

AYES: Comm. Langer, Wheeler, Mummolo, Curtis
NAYS: None
ABSTAIN: None

8. TREASURER'S REPORT

Comm. Langer read the Treasurer's Report balances for the month ending March 31, 2023 as follows:

Unrestricted Funds:

Total Revenue Funds:	\$	10,114,159.13
Total General Funds:		11,683,906.85
Total Working Capital Fund:		13,624.54
Total Processing Fund:		3,861,384.83
Total Unrestricted Funds:		25,673,075.35

Restricted Funds:

Rate Projection Maintenance Fund:		2,011,819.90
Construction Fund:		630,292.20
Total Bond Funds:		9,660,741.27
Total Other Restricted Funds:		1,682,798.57
Total Restricted Funds		13,985,651.94
Total of All Fund Accounts:		39,658,727.29

Comm. Mummolo made a motion to approve the Treasurer's Report. Seconded by Comm. Wheeler

AYES: Comm. Langer, Wheeler, Mummolo, Curtis
NAYS: None
ABSTAIN: None

9. DEVELOPER APPLICATIONS

9.1 Preliminary Application - No Further Action Required

2254-1 Chaim Dubin, Dubin Contracting – Preliminary & Final Site Plan – Block 3, Lot 29 – 366 Ramtown-Greenville Road – Preliminary, NFA – 1C

Director Specht reviewed the above action with the Board. He explained that approval was previously granted in July 2020. The work was completed in February 2021 and they are adding a 20,000 square foot warehouse to the project, which will consist of one tenant. The only impact to our facilities, at this time, is the relocation of a fire hydrant and a modification to the easement that we have with them.

Director Specht recommended approval.

Comm. Mummolo made a motion to approve this action. Seconded by Comm. Wheeler

AYES: Comm. Langer, Wheeler, Mummolo, Curtis
NAYS: None
ABSTAIN: None

2335 Marcus Schontube, Brick Gardens Realty, LLC – Minor Site Plan for Brick Gardens – Block 673, Lots 3 & 4 – 2747 Hooper Avenue – Preliminary, NFA – 1C

Director Specht reviewed the above action with the Board. He explained that the applicant is making improvements to their proposed clubhouse at the facility. The applicant owns the utilities that are on site. We will perform any inspections out there.

Director Specht recommended approval.

Comm. Mummolo made a motion to approve this action. Seconded by Comm. Langer

AYES: Comm. Langer, Wheeler, Mummolo, Curtis
NAYS: None
ABSTAIN: None

9.2 Other Applications

2336 Kelly McKenna, KELCO Homes, Ltd Limited Co. – Utility Extension Plan, Block 1118, Lot 1 – 340 Wardell Avenue – Preliminary, 1R

Director Specht reviewed the above action with the Board. He explained that this project entails the extension of our sewer main (approximately 620 feet) as well as a six inch water main (approximately 711 feet).

Director Specht recommended approval.

Comm. Mummolo made a motion to approve this action. Seconded by Comm. Langer

AYES: Comm. Langer, Wheeler, Mummolo, Curtis
NAYS: None
ABSTAIN: None

9.3 Release of Performance Bonds - NONE

10. UNANTICIPATED/EMERGENCY CAPITAL EXPENDITURES - NONE

11. CONTRACT CLOSE-OUTS - NONE

12. AUTHORIZATION TO EXPEND APPROVED FUNDS

a. Purchase Annual Renewal of Flood Insurance for Riverside Drive Pump Station - \$12,254.00; Vendor - Selective Insurance; Operating Account No. 01-100-1520

Director Vaccaro reviewed the above action. He explained that this purchase is for the annual renewal of our flood insurance policy for the Riverside Drive Pump Station. A separate flood insurance policy is required as the Riverside Drive Pump Station is in a designated AE flood zone. Our flood policy through the JIF does not cover locations located in an AE zone. The policy is obtained through Selective Insurance at an annual premium cost of \$12,254.00. The policy provides coverage up to \$1,000,000.00 (\$500,000 each for building and contents) with a \$10,000.00 deductible.

Director Vaccaro recommended approval.

Comm. Mummolo made a motion to approve this action. Seconded by Comm. Langer

AYES: Comm. Langer, Wheeler, Mummolo, Curtis
NAYS: None
ABSTAIN: None

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

14. ADOPTION OF PERSONNEL ACTIONS

Comm. Mummolo made a motion to approve this action. Seconded by Comm. Langer

AYES: Comm. Langer, Wheeler, Mummolo, Curtis
NAYS: None
ABSTAIN: None

15. OLD BUSINESS - NONE

16. NEW BUSINESS – NONE

17. RESOLUTIONS

26-23 A Resolution Authorizing Change Order No. 2-Final in the Contract between the Brick Township Municipal Utilities Authority and Allied Construction Group, Inc. for a Decrease in the Contract Amount of \$162,092 for the Gravity Filter Rehabilitation Project Brick Utilities Contract No. 721004X

Director Maggio reviewed the above action with the Board. He explained that the project has been completed, the sand filters are in use and operating satisfactorily.

Director Maggio recommended approval.

Comm. Mummolo made a motion to approve this action. Seconded by Comm. Wheeler

AYES: Comm. Langer, Wheeler, Mummolo, Curtis

NAYS: None

ABSTAIN: None

33-23 A Resolution Authorizing Final Quantities Change Order No. 2 – Change Order No. 6 for a Decrease in the Revised Contract Amount by \$56,806.57 with P&A Construction, Inc. for the Cedarwood Park Undersized Water Main Replacement Project; Brick Utilities’ Capital Contract No. 716001A and New Jersey Water Bank Project No. 1506001-008

Director Specht reviewed the above action with the Board.

Director Specht recommended approval.

Comm. Mummolo made a motion to approve this action. Seconded by Comm. Langer

AYES: Comm. Langer, Wheeler, Mummolo, Curtis

NAYS: None

ABSTAIN: None

34-23 A Resolution Authorizing the Purchase of a 2023 or Newer Case X80C Excavator through the Sourcewell Cooperative (formerly known as National Joint Powers Alliance) from Groff Tractor Mid Atlantic LLC for \$123,709.00; Sourcewell Contract #032119-CNH; Brick Utilities Capital Project No. 01-824-001X

Director Specht reviewed the above action with the Board. He explained that this purchase was authorized to obtain quotes at the last public meeting.

Director Specht recommended approval.

Comm. Mummolo made a motion to approve this action. Seconded by Comm. Langer

AYES: Comm. Langer, Wheeler, Mummolo, Curtis
NAYS: None
ABSTAIN: None

35-23 A Resolution for the Award of a Fair and Open Agreement with CME Associates in a Not-To-Exceed Cost of the Work Basis the Amount of \$189,120.00 for Professional Engineering Consulting Services for the Design, Permitting, the New Jersey Infrastructure Bank Program Requirements, Bidding and Award, Construction Administration/Management and Full-Time Inspection for the Emergency Generator Replacements at the Riverside Drive, Drum Point and Bay Harbor Waste Water Pump Stations (Including Electrical Service Upgrade); Capital Project No. 818001X

Director Specht reviewed the above action with the Board. He explained that the existing generators are vintage 1975 and are in need of replacement. The Board authorized this in April 2022 to issue an RFP.

Director Specht recommended approval.

Comm. Mummolo made a motion to approve this action. Seconded by Comm. Langer

AYES: Comm. Langer, Wheeler, Mummolo, Curtis
NAYS: None
ABSTAIN: None

36-23 A Resolution Authorizing the Purchase of a Secondary Tape Backup System for the Authority's SCADA Data Network in the Amount of \$22,187.00 from StarNet Solutions Inc. Funded from Capital Project No. 01-920-003X

Director Vaccaro reviewed the above action with the Board. He explained that this purchase is for the installation and implementation of a secondary tape backup solution for our SCADA Virtualized Data Network. Currently our daily SCADA backups are only backing up to the Vertex virtual rack that is located in the same room as the SCADA virtual server. If something was to happen to the water treatment plant and/or the control room we would lose all of our SCADA information. This secondary tape backup solution would provide for the tapes being taken off-site for storage along with our business network backups. We received three quotes and one non-response. StarNet Solution's was the lowest responsible bidder. The cost of the hardware and professional services from StarNet Solutions is \$22,187.00 and includes 3 years of 24/7 technical support.

Director Vaccaro recommended approval.

Comm. Mummolo made a motion to approve this action. Seconded by Comm. Langer

AYES: Comm. Langer, Wheeler, Mummolo, Curtis
NAYS: None
ABSTAIN: None

Director Maggio reviewed the above action with the Board. He explained that this engineering work and the subsequent project will be funded through our DEP/Metedeconk Watershed Protection grant; therefore there is no cost to the Authority.

Director Maggio recommended approval.

Comm. Mummolo made a motion to approve this action. Seconded by Comm. Langer

AYES: Comm. Langer, Wheeler, Mummolo, Curtis

NAYS: None

ABSTAIN: None

18. PUBLIC DISCUSSION

John and Jean McConaghie from 125 Valencia Drive addressed the Board concerning unanswered insurance claims from Underground Utilities, the contractor working on the sewer main replacement project in their area. Mr. & Mrs. McConaghie were previously at the June 29, 2022 public meeting, regarding another issue with the same project.

Mr. McConaghie stated that he understands the work is winding down and they are trying to get a few things resolved with the contractor's insurance carrier, but seem to be at a standstill. He presented the Board with pictures of his damaged vehicle, related to the insurance claim.

Mr. McConaghie is asking the Board to help him with this issue. He stated that he has over \$20,000.00 worth of damage total, to his house, because of the contractor and this project.

Director Specht advised the Board that he has met with the residents previously and indicated to them that we will not close out this project until all outstanding insurance issues, not just Mr. McConaghie's, are resolved by the contractor.

Director Specht addressed the property damage to the homes and explained that the adjustor indicated that he is not going to make a final determination until the project is complete. He stated that we are essentially at that point right now. The only thing left is restoration and final paving. He hopes that we will now get some feedback from their insurance provider. He stated that we also have our insurance provider on notice as part of the steps we have to take.

Chair Curtis asked Director Specht when he thought we would get there with Underground Utilities.

Director Specht explained that they demobilized their excavation crew; they will come back with a restoration crew. Mr. Sedlack will get the list of claims together again, send it to their insurance provider and indicate that now that the excavation is complete and these issues need to be resolved.

Chair Curtis asked how many total claims there were.

Director Specht replied there are approximately 15-20 claims.

The Board and Director Specht assured Mr. McConaghie that the contractor will not be paid or given their performance bond, etc. until all of these claims are settled.

Director Specht stated that the entire comprehensive list should be together by May and that he will send Mr. McConaghie a copy of it.

Mr. & Mrs. McConaghie thanked the Board.

19. COMMENTS FROM COMMISSIONERS, PROFESSIONALS & STAFF – NONE

20. EXEMPT SESSION – NONE
(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 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 the subject matter to be discussed is litigation and anticipated litigation. It is anticipated at this time that the subject matters will be made public if and when confidentiality no longer exists. Action may be taken this evening. This resolution shall become effective immediately.”

On a motion duly made and seconded the group entered into exempt session at 7:27pm.

On motion duly made and seconded in exempt session the group returned to open session at 7:53 pm.

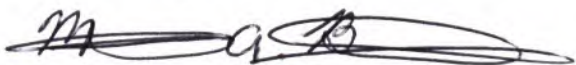
21. CLOSING STATEMENT

Ms. DiMatteo read the following closing statement: *The next Meeting of the Authority will be a Public Meeting on Tuesday, May 23, 2023 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.*

22. ADJOURNMENT

On motion duly made and seconded, followed by a unanimous vote the meeting was adjourned at 7:54 p.m.

Respectfully submitted,



Michael Blandina, Authority Secretary

MB/kld