

**Minutes of a PUBLIC MEETING held on July 26, 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

Susan Lydecker  
Michael Blandina  
William Neafsey  
Paul Mummolo  
Harvey Langer  
Erin Wheeler  
Thomas Curtis

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  
Nick Montenegro, Esq., MUA General Counsel  
Chuck Fallon, MUA Auditor

Absent

Sue Brasefield, MUA Engineer

**4. Adoption of Directors' Reports**

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

AYES:            Comm. Lydecker, Langer (*Blandina was late*), Neafsey, Mummolo, Curtis  
NAYS:            None  
ABSTAIN:        None

**5. APPROVAL OF MINUTES**

Comm. Mummolo made a motion to adopt the June 28, 2023 regular and exempt meeting minutes. Seconded by Comm. Blandina

AYES:            Comm. Lydecker, Blandina, Neafsey, Mummolo, Curtis  
NAYS:            None  
ABSTAIN:        None

**6. CORRESPONDENCE – NONE**

**7. BILL RESOLUTION**

Comm. Blandina read the Bill Resolution dated July 26, 2023 in the total amount of \$4,984,045.67 as follows:

Total Operating Vouchers:	\$	2,405,339.84
Total Capital Vouchers:		1,213,879.68
Total Payroll:		1,356,495.70
Escrow:		8,330.45
Total Bill Resolution:	\$	4,984,045.67

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

AYES: Comm. Lydecker, Blandina, Neafsey, Mummolo, Curtis  
NAYS: None  
ABSTAIN: None

**8. TREASURER'S REPORT**

Comm. Lydecker read the Treasurer's Report balances for the month ending June 30, 2023 as follows:

**Unrestricted Funds:**

Total Revenue Funds:	\$	12,694,003.14
Total General Funds:		10,583,978.45
Total Working Capital Fund:		45,199.15
Total Processing Fund:		5,080,728.78
Total Unrestricted Funds:		28,403,909.52

**Restricted Funds:**

Rate Projection Maintenance Fund:		2,003,750.00
Construction Fund:		241,777.41
Total Bond Funds:		9,098,151.59
Total Other Restricted Funds:		1,804,609.71
Total Restricted Funds:		13,148,288.71
Total of All Fund Accounts:		41,552,198.23

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

AYES: Comm. Lydecker, Blandina, Neafsey, Mummolo, Curtis  
NAYS: None  
ABSTAIN: None

**9. DEVELOPER APPLICATIONS**



9.1 Preliminary Application - No Further Action Required – NONE

9.2 Other Applications

2232A            Daniel Setton, LPC Sports II Urban Renewal, LLC, Amended Final Major Site Plan for Superdome South/Marketplace at Forge Pond, Block 702, Lots 30.01 & 30.02, 770, 774 & 780 Route 70, Final – 13 C

Director Specht reviewed the above action with the Board. He explained that final application was approved on December 19, 2019. There have been changes to the plans, which the committee is in agreement with.

Director Specht recommended final approval.

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

AYES:            Comm. Lydecker, Blandina, Neafsey, Mummolo, Curtis  
NAYS:            None  
ABSTAIN:        None

2242            Aryeh Spilman, Fine Art Holdings, Inc. Preliminary & Final Major Site Plan for Fine Art Catering, Block 645.01, Lot 107 346 Drum Point Rd, Final – 3 C+R

Director Specht reviewed the above action with the Board. He explained that preliminary approval was granted by the Board on February 27, 2020. The applicant has met all of our requirements for final approval.

Director Specht recommended final approval.

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

AYES:            Comm. Lydecker, Blandina, Neafsey, Mummolo, Curtis  
NAYS:            None  
ABSTAIN:        None

2337            Mark Fusari, 385 Adamston Road, Property, LLC Utility Plan, Block 195, Lot 11.01, 385 Adamston Rd., Final – 1 C

Director Specht reviewed the above action with the Board. He explained that preliminary approval was granted by the Board on May 23, 2023. The applicant has met all of the requirements for preliminary approval.

Director Specht recommended final approval.

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

AYES:            Comm. Lydecker, Blandina, Neafsey, Mummolo, Curtis  
NAYS:            None  
ABSTAIN:        None

2305            David Holland, Brightview Senior Living, LLC Preliminary & Final Major Site Plan for Brightview Senior Living Development, LLC, Block 1171, Lot 2 1568 Route 88, Final – 150 R

Director Specht reviewed the above action with the Board. He explained that the preliminary application was granted by the Board on March 30, 2023.

Director Specht recommended final approval.

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

AYES:            Comm. Lydecker, Blandina, Neafsey, 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 – NONE

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

a.        Sanitary Sewer Manhole Replacement and Rehabilitation Project; Brick Utilities Capital Project No. 818002; NJIB Project No. S340448-12

Director Specht reviewed the above action with the Board. He explained that the NJDEP issued the authorization to advertise on June 22, 2023 with the condition that the project be advertised within 90 calendar days.

Director Specht recommended approval.

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

AYES:            Comm. Lydecker, Blandina, Neafsey, Mummolo, Curtis

NAYS:            None

ABSTAIN:        None

14.    ADOPTION OF PERSONNEL ACTIONS

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

AYES:            Comm. Lydecker, Blandina, Neafsey, Mummolo, Curtis

NAYS:            None

ABSTAIN:        None



**15. OLD BUSINESS - NONE**

**16. NEW BUSINESS – NONE**

**17. RESOLUTIONS**

48-23            A Resolution Authorizing Brick Utilities to Amend its Agreement with the NJDOT Entered into on August 11, 2016, for the Verification, Design, Protection and/or Relocation of Certain Public Works Facilities in Connection with the Design and Construction of the Route 88 over the Beaver Dam Creek Bridge

Director Specht reviewed the above action with the Board. He explained this has to do with an amendment to the agreement approved by the Board in 2016.

Director Specht recommended approval.

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

AYES:            Comm. Lydecker, Blandina, Neafsey, Mummolo, Curtis

NAYS:            None

ABSTAIN:        None

49-23            A Resolution Authorizing the Purchase of Two (2) New 350-watt LED Diesel Powered Wanco Model WLTT-4ML106K Light Towers from Contractor Service for \$13,750.00 each for a total of \$27,500.00; Brick Utilities' Capital Account Nos. 01-724-006X and 01-824-003X

Director Specht reviewed the above action with the Board. He explained that the Authority currently has 3 light towers approaching approximately 25 years old and it is now time to replace them with LEDs.

Director Specht recommended approval.

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

AYES:            Comm. Lydecker, Blandina, Neafsey, Mummolo, Curtis

NAYS:            None

ABSTAIN:        None

50-23            A Resolution Authorizing Final Quantities Change Order No. 3 – Change Order No. 7 with P&A Construction, Inc. for the Cedarwood Park Undersized Water Main Replacement for an Increase in the Contract Amount by \$3,570.00; Brick Utilities' Capital Project No. 716001A; NJIB Project No. 1506001-008

Director Specht reviewed the above action with the Board. He explained that there was unanticipated additional traffic control requirements for the paving on Mantoloking Road. This is to pay the contractor for that service.

Director Specht recommended approval.

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

AYES: Comm. Lydecker, Blandina, Neafsey, Mummolo, Curtis

NAYS: None

ABSTAIN: None

## **18. PUBLIC DISCUSSION**

John and Jean McConaghie from 125 Valencia Drive addressed the Board regarding outstanding insurance claims from Underground Utilities Corporation (UUC), the contractor that worked on the sewer main replacement project in their area. Mr. & Mrs. McConaghie were at the June 29, 2022 and April 27, 2023 public meetings, regarding the same issues.

Mr. McConaghie stated that the water and sewer work is now complete. The street paving is complete and is very nice. The paving contractor did a good job, they were professional, efficient and accommodating.

Mr. McConaghie stated there are few outstanding items to be remedied in the area, which the Engineering Department is aware of, such as storm drain covers. Grass seed still needs to be put down but he understands it cannot be done at this time of the year.

Mr. McConaghie asked that the Authority do not pay them until this is settled.

Mr. Colin Hughes, from 121 Valencia Drive, addressed the Board stating he received the same email from CNA and also has damage to his property as a result of UUC working in the area.

Mr. Hughes asked what the next step is on how to proceed.

Mr. Hughes explained that the entire neighborhood was shaking when they were dewatering, his tiles broke as a result of this, they became a hazard and he had to have it repaired. He does have the receipt for the work.

Director Specht advised the public that the Authority received an email from the insurance carrier CNA representing UCC requesting information concerning the damage claims of various residents.

Director Specht indicated that all of the requests and information will be provided to the Authority's Attorney, Mr. Montenegro, to review the information and submit that which is appropriate to CNA.

Director Specht and Mr. Montenegro advised the public that the project is now complete and the Authority will withhold final payment due to the contractor UCC as well as withhold the release of the performance, labor and material bond until such time as all contract issues are satisfactorily resolved.

Chairman Curtis confirmed such representation by the Authority.

Mr. Montenegro explained that if you have already done it to do it again, diary everything you do, any response or correspondence from them, so you are ready to proceed if they do not settle this and you



have to file suit.

The Authority will keep the residents updated as to what is going on. He asked to make sure the residents identify all of the areas, photos, reports and receipts for repairs that are made.

Director Specht stated there is a pre-construction video that was taken by UUC while we had a representative with them. It is on the street and does not go up to the houses or yards.

Mr. McConaghie stated that lastly, they just want to get their damages repaired and get on with their lives. All of the residents take pride in their properties and are tired of tripping hazards and worried about their property repairs.

Mr. Hughes stated that they have no angst with BTMUA and the staff was very professional. He just wants some type of relief from the damages.

Chair Curtis replied that he understands and the Authority will do their best. He asked that they keep the Engineering Department apprised of anything that comes up.

**19. COMMENTS FROM COMMISSIONERS, PROFESSIONALS & STAFF – NONE**

**20. EXEMPT SESSION - NONE**  
*(Personnel, Contracts & Potential Litigation Only)*

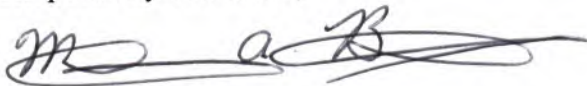
**21. CLOSING STATEMENT**

Ms. DiMatteo read the following closing statement: *The next Meeting of the Authority will be a Public Meeting on Tuesday, August 29, 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 7:36 p.m.

Respectfully submitted,



Michael Blandina, Authority Secretary

MB/kld