

Minutes of a PUBLIC MEETING held on September 28, 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
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
Jordan Volk, MUA Engineer

Absent

Erin Wheeler

4. Adoption of Directors' Reports

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

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

5. APPROVAL OF MINUTES

Comm. Mummolo made a motion to adopt the August 29, 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 September 28, 2023 in the total amount of \$3,836,836.73 as follows:

Total Operating Vouchers:	\$	2,415,883.32
Total Capital Vouchers:		274,630.64
Total Payroll:		1,139,432.97
Escrow:		6,889.80
Total Bill Resolution:	\$	3,836,836.73

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

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 August 31, 2023 as follows:

Unrestricted Funds:

Total Revenue Funds:	\$	16,858,476.08
Total General Funds:		9,734,045.28
Total Working Capital Fund:		23,873.31
Total Processing Fund:		4,911,834.57
Total Unrestricted Funds:		31,528,229.24

Restricted Funds:

Rate Projection Maintenance Fund:		2,003,750.00
Construction Fund:		226,622.54
Total Bond Funds:		8,786,673.59
Total Other Restricted Funds:		1,786,474.52
Total Restricted Funds:		12,803,520.65
Total of All Fund Accounts:		44,331,749.89

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

2258 David & Lisa Zimmerman, Ramtown DSZ, LLC - Minor Subdivision & Property Development Plan for DSZ LLC, Block 211.02, Lots 20 & 22 - 71 & 77 Rochester Dr. – Preliminary, NFA – 2R

Director Specht reviewed the above action with the Board. He explained the Board originally approved this application in July 2020 for a three lot subdivision. The Township rejected the three-lot subdivision and approved a two-lot subdivision.

Director Specht recommended approval for the two-lot subdivision. All utilities are available in the street.

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

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

9.2 Other Applications – NONE

9.3 Release of Performance Bonds

2216 Joey Mizrahi, Lanes Mill Developers, LLC - Wawa, Block 1447.02, Lots 23,24,25 - 10 Lanes Mill - Release of Performance Bond - C

Director Specht reviewed the above action with the Board. He explained the applicant met all of the requirements.

Director Specht recommended release of performance bob and issue the one-year maintenance Bond, since the utilities have been in service for over a year.

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

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

- a. Authorization to Proceed with the Bidding for the Replacement of Vehicle Nos. V530, V596, V403, V404, V405, V539, V537, V532 and V616

Director Specht reviewed the above action with the Board. He explained we were going out to bid for this since we could not determine if any vehicles are available under the Co-op or State Contract.

Directo Specht recommended authorization to proceed with this bid.

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. Lydecker 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. 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 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 personnel. 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 7:08pm.

On motion duly made and seconded in exempt session the group returned to open session at 7:24 pm.

18. RESOLUTIONS

37-23 A Resolution Approving the terms and 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.

Executive Director Theodos reviewed the above action with the Board. He explained that as a result of negotiations an agreement has been reached and ratified by the Office & Professional Employees International Union Local 32. A three-year agreement outlining the terms and conditions of employment and compensation to be paid for the period of January 1, 2023 through December 31, 2025 has been prepared in the form of a memorandum of agreement (MOA). This resolution will authorize the Authority to execute the MOA as well as the three-year agreement encompassing the terms of the memorandum of agreement.

Executive Director Theodos recommended 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

54-23 A Resolution Ratifying the Award of an Emergency Contract Pursuant to N.J.S.A. 40a: 11- 6 to Miller Energy, Inc. in the Amount of \$23,630.00 for Emergency Repairs to the Finished Water Pumping System Including the Installation of a Variable Frequency Drive with Payment to be Made from the Emergency Repair Fund No. 01- 724-007x

Director Maggio reviewed the above action with the Board. He explained that Miller Energy responded to an emergency situation and through them, our staff and other responders, we were able to get through a difficult situation with no impact to any of our services to our customers.

Director Maggio recommended approval.

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

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

55-23 A Resolution Approving the Second Addendum to Lease Agreement Between the Brick Township Municipal Utilities Authority and T-Mobile Northeast, LLC

Director Vaccaro reviewed the above action with the Board. He explained the BTMUA entered into a Lease Agreement on September 28, 1998 with T-Mobile Northeast, LLC for a portion of the water tank and ground space located at 539 Mantoloking Road, Brick, NJ. The current lease term expires on September 28, 2023. T-Mobile and BTMUA have agreed to renew the Lease. This Amendment extends the terms of the Lease, modifies the monthly rent, modifies the annual rent increases, and provides

provisions regarding reimbursement to BTMUA for engineering review and oversight of requested site improvements. The new Lease will commence on September 29, 2023 for a five year period with options for 3 additional 60-month terms. The rent will be initially increased to \$6,000.00 per month (current monthly rent \$4,100.00) with an annual increase of 3 percent. The lease includes reimbursement up to \$5,000.00 for engineering review and oversight costs.

Director Vaccaro 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

56-23 A Resolution for Renewal of Membership in the New Jersey Utility Authorities Joint Insurance Fund

Director Vaccaro reviewed the above action with the Board. He explained that our current membership with the New Jersey Joint Utilities Authorities Joint Insurance Fund (NJUA/JIF) is set expire on December 31, 2023. This Resolution will renew our membership in the NJUA/JIF for a three (3) year period, beginning January 1, 2024 and ending January 1, 2027.

Director Vaccaro 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

57-23 A Resolution Declaring Items of Property Owned by the Authority That Are No Longer Required for the Uses and Purposes of the Authority as Surplus

Director Clifford reviewed the above action with the Board. He explained that these items go to Govdeals.com to be sold.

Director Clifford 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

58-23 A Resolution Authorizing the Execution and Delivery of Loan Agreements to be Executed by The Brick Township Municipal Utilities Authority and Each of The New Jersey Infrastructure Bank and The State of New Jersey, Acting by and Through The Department of Environmental Protection, and Further Authorizing the Execution and Delivery of an Escrow Agreement and, if Necessary, a Continuing

Disclosure Agreement, all Pursuant to The New Jersey Infrastructure Bank Financing Program

Director Clifford reviewed the above action with the Board. He explained that this resolution allows the Board to sign loan documents for the permanent financing of Cedarwood Park project through the I-Bank and to execute the documents.

Director Clifford recommended 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

59-23 A Resolution Awarding a Contract for Reservoir Management Consulting Services to Ecosystem Consulting Service, a Division of GZA GeoEnvironmental, Inc., for a Two-Year Term in an Amount not to Exceed \$15,500.00 Annually Funded from Account 204-8155

Director Maggio reviewed the above action with the Board. He explained that Ecosystem Consulting has been our reservoir water quality consultant since the reservoir was first put into service. They have done an excellent job of, not only training us to become more self sufficient, but giving us guidance.

Director Maggio 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

60-23 A Resolution Authorizing Change Order No. 4 for a 67 Calendar Day No Cost Time Extension with Unitemp Inc. for the Energy Savings Improvement Plan – HVAC Improvements; Brick Utilities' Capital Project No. 920001

Director Specht reviewed the above action with the Board. He explained that there were material delays associated with Change Order #3.

Director Specht recommended 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

61-23 A Resolution Authorizing Change Order No. 1 for an Increase in the Contract Amount of \$209,605.56 with JVS Industrial and Commercial Contractors, Inc. for the Metedeconk River at Route 70 Water Main Stream Crossing Project; Brick Utilities' Capital Project No. 717005A

Director Specht reviewed the above action with the Board. He explained that on August 28, 2023, while were isolating the stream crossing, a valve that was in travel way of Route 70 developed a serious leak that had to be repaired immediately. We authorized JVS to proceed on a cost of the work basis. They mobilized on 5:00pm on Thursday, August 31st and worked approximately 35 straight hours to facilitate the removal of the valve. They successfully completed the work on Saturday, September 2, 2023. It was great that they were on site and able to perform the work, without having to look for another contractor.

Director Specht recommended 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

62-23 A Resolution for Approving and Authorizing the Award of a Contract to JVS Industrial and Commercial Contractors, Inc. in the Amount of \$6,668,555.83 for the Sanitary Sewer Manhole Rehabilitation and Replacement; Brick Utilities' Contract No. 818002; NJIB Project No. S340448-12

Director Specht reviewed the above action with the Board. He explained that today we received authorization to award from NJDEP. This resolution was contingent upon receiving the award.

Director Specht recommended approval.

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

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

63-23 A Resolution of the Brick Township Municipal Utilities Authority Declaring its Official Intent to Reimburse Expenditures for Project Costs from the Proceeds of Debt Obligations of the Authority, Including in Connection with its Participation in the New Jersey Infrastructure Bank Financing Program

Director Clifford reviewed the above action with the Board. He advised that this resolution is for the manhole replacement project. He stated that within 60 days of paying out any expenses, we can submit the expenses for reimbursement and put them into the financing for the project with I-Bank.

Director Clifford recommended 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

19. PUBLIC DISCUSSION

Mr. & Mrs. John McConaghie from 125 Valencia Drive provided the Board with an update on an ongoing outstanding insurance claim with Underground Utilities Corporation (UUC), the contractor that worked on the sewer main replacement project in their area.

He advised the Board that UUC's Attorney and Geotechnical Expert, Robert Simpson, inspected his property as well as the other properties on his street that reported issues. He stated that he took no photographs, asked no questions, took few notes, if any, and was not allowed to answer any questions and took no measurements.

Mr. McConaghie thanked the Authority for their prompt response to his OPRA requests.

Mr. Montenegro stated that they had their opportunity to be on site and do their reports. We will review the reports once we receive them.

20. COMMENTS FROM COMMISSIONERS, PROFESSIONALS & STAFF

Commissioner Mummolo welcomed Jordan and Joe from Colliers Engineering & Design.

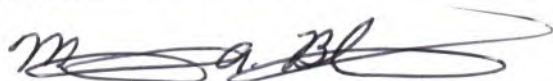
21. CLOSING STATEMENT

Ms. DiMatteo read the following closing statement: *The next Meeting of the Authority will be a Public Meeting on Thursday, October 26, 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 7:56 p.m.

Respectfully submitted,



Michael Blandina, Authority Secretary

MB/kld