

Minutes of a PUBLIC MEETING held on November 30, 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

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

Absent

Susan Lydecker

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

4. Adoption of Directors' Reports

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

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

5. APPROVAL OF MINUTES

Comm. Blandina made a motion to adopt the October 26, 2023 regular meeting minutes. Seconded by Comm. Mummolo

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

6. CORRESPONDENCE – NONE

7. BILL RESOLUTION

Comm. Blandina read the Bill Resolution dated November 30, 2023 in the total amount of \$2,006,971.08 as follows:

Total Operating Vouchers:	\$	592,018.88
Total Capital Vouchers:		230,880.86
Total Payroll:		1,161,916.50
Escrow:		22,154.84
Total Bill Resolution:	\$	2,006,971.08

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

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

8. TREASURER'S REPORT

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

Unrestricted Funds:

Total Revenue Funds:	\$	20,218,388.64
Total General Funds:		9,034,147.57
Total Working Capital Fund:		37,715.90
Total Processing Fund:		5,005,985.39
Total Escrow Fund:		6,173.39
Total Unrestricted Funds:		34,302,410.89

Restricted Funds:

Rate Projection Maintenance Fund:		2,003,750.00
Construction Fund:		159,587.64
Total Bond Funds:		8,821,610.53
Total Other Restricted Funds:		1,773,173.82
Total Restricted Funds		12,758,121.99
Total of All Fund Accounts:		47,060,532.88

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

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

9. DEVELOPER APPLICATIONS

9.1 Preliminary Application - No Further Action Required

2340 John and Candice Langenberger, Minor Subdivision Plat, Block 972, Lot 11, 671 Thoroughfare Rd., Preliminary - NFA, 1R

Director Specht reviewed the above action with the Board. He explained this is a two lot subdivision, there is an existing house on one lot and water and sewer is available on Shadow Way.

Director Specht recommended approval.

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

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

9.2 Other Applications

2243 Rob Lombardi, Lombardi Residential, LLC, Amended Preliminary & Final Site Plan, Block 106, Lot 1, 406 Mantoloking Rd, Final, 3R

Director Specht reviewed the above action with the Board. He explained that preliminary approval was granted in February 2020.

Director Specht recommended approval.

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

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

2339 Troy Segers, Fresenius Medical Care, Preliminary & Final Land Development Plans, Block 755, Lot 38, 1541 NJ-88, Final, 3C

Director Specht reviewed the above action with the Board. He explained that preliminary approval was granted in June 2023. The applicant has met all of the requirements.

Director Specht recommended approval.

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

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

2341 Richard Savino, Selman Savino Properties, LLC, Subsurface Disposal System Plan, Block 1108, Lot 6, 949 Burnt Tavern Rd., Preliminary, 1C

Director Specht reviewed the above action with the Board. He explained the water connection will

be to a portable trailer only and a septic system will be installed on the site.

Director Specht recommended approval.

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

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

9.3 Release of Performance Bonds

2288 Laurynas Borisevicius, Minor Subdivision, Block 323.04, Lots 6 & 8.03, Elm Court, Release of Performance Bond, 3R

Director Specht reviewed the above action with the Board. He explained that construction was completed in June 2022.

Director Specht recommended approval.

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

AYES: Comm. Wheeler, 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. Annual Request for Qualifications for Professional Consultants 2024/2025

Executive Director Theodos reviewed the above action with the Board. He explained that this is an annual request for qualifications for professional service contracts under a fair and open process. The professional services to be provided to the BTMUA are for General Counsel, Alternate Counsel, Labor Counsel, Bond Counsel, Consulting Engineer, Alternate Engineer, Auditor, Financial Advisor, and Risk Management Consultant for the period beginning February 1, 2024 and ending January 31, 2025.

RFQs will be opened at 10:00 AM on Wednesday, January 3, 2024. Contracts for professional services will awarded at the Authority's Reorganization meeting on February 1, 2024. I am requesting authorization post notice of solicitation of RFQ on the Authority's website.

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

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

NAYS: None
ABSTAIN: None

b. Authorization to Proceed with the Bidding for the Replacement of Vehicle No. V422 – 2015 International Jet Vac Truck

Director Specht reviewed the above action with the Board. He explained that we have \$650,000.00 budgeted for the 24/25 capital transportation budget for the replacement of this jet vac. It will take a minimum of 18 months to get this truck, therefore we would like to advertise it now and have it for the fiscal year 24/25.

Commissioner Langer asked the life expectancy of the truck.

Director Specht stated that 8-10 years is the approximate life expectancy. We will surplus the old jet vac on govdeals.

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

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

c. Authorization to go to Bid for the Redevelopment of Well 15A

Director Maggio reviewed the above action with the Board. He explained that this is a normal maintenance procedure for a well of this age. It has been operating for over seven years. Our engineering department will be providing engineering support for this project.

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

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

15. OLD BUSINESS - NONE

16. NEW BUSINESS – NONE

17. RESOLUTIONS

74-23 A Resolution Authorizing Task Change Order No. 2 for an Increase in the

Agreement Amount by \$33,800.00 on a Not-to-Exceed Cost of the Work Basis with Colliers Engineering & Design, Inc. for Additional Professional Engineering Consulting Services for the Design for the Brick Utilities' Reservoir Infrastructure Mitigation Improvements Project in the Townships of Brick and Wall; Capital Project No. 718010X

Director Specht reviewed the above action with the Board. He explained that now that we are proceeding with the synthetic hydrotex fabric formed concrete mattresses, the NJDEP Division of Dam Safety has requested additional information associated with this alternate design. This additional funding is warranted.

Director Specht recommended approval.

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

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

75-23 A Resolution Authorizing the Purchase of a 2024 Ford F450 Regular Cab 4X4 Mason Dump from Winner Ford under New Jersey State Contract No. A88215 for \$75,121.00 to Replace Vehicle No. V537; Capital Project No. 924002X

Director Specht reviewed the above action with the Board. He explained that in September the Board authorized us to proceed with the replacement of this dump truck.

Director Specht recommended approval.

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

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

76-23 A Resolution Authorizing the Purchase of a 2024 Ford F450 Regular Cab 4X2 Utility Body from Winner Ford under New Jersey State Contract No. A88215 for \$62,129.00 to Replace Vehicle No. V539; Capital Project No. 824004X

Director Specht reviewed the above action with the Board.

Director Specht recommended approval.

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

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

77-23

A Resolution Authorizing Award of a Contract to Longo in the Amount of \$20,730 from Account 718007 for the Planned Maintenance of Raw Water Pump #4

Director Maggio reviewed the above action with the Board. He explained this is one of the major maintenance activities that we planned for after a high demand season.

Director Maggio recommended approval.

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

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

78-23

A Resolution Authorizing the Award of a Contract in the amount of \$24,930 for Redevelopment of Well 14 to Vendor Uni-Tech from Account 01-720-004X

Director Maggio reviewed the above action with the Board. He explained that Well 14 is one of our Cohansey wells and they are smaller wells but do provide upwards of 300,000 gallons a day. This is a normal maintenance.

Director Maggio recommended approval.

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

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

79-23

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 \$29,833.60 for Emergency Purchase of Two Variable Frequency Drives 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 several months ago we had the emergency situation with our finished water pumping system. We had two variable frequency drives that failed. Miller Energy took them back to their shop to see if they were repairable. After inspection and review of all work that needed to be done, the difference between repairing 10-year-old VFD's vs purchasing new, was approximately \$1,000.00. Therefore, we are recommending the award of this contract to replace in lieu of repairing the VFD's. We will keep the spare one on the shelf, in the event we need to use it in the future.

Director Maggio recommended approval.

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

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

NAYS: None
ABSTAIN: None

80-23 A Resolution Authorizing Adjusting Compensation to the Directors of the Brick Township Municipal Utilities Authority

Executive Director Theodos reviewed the above action with the Board. He explained the terms set forth in this resolution were recommended by the Administration and Personnel Committee for consideration and adoption by the Board.

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

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

81-23 A Resolution Authorizing a Shared Service Agreement with the County of Ocean for the Relocation of a 12” Diameter Water Main on Herbertsville Road Associated with the Reconstruction and Resurfacing of Portions of Certain County Roads, County of Ocean Contract No. 2021A for a Not-To-Exceed Amount of \$158,625.00; Brick Utilities’ Capital Project No. 01-601002X

Director Specht reviewed the above action with the Board. He explained the County is performing storm sewer upgrades on all of Herbertsville Road. There is an existing 48” storm drain that requires replacement by the County. Our existing 12” ACP water main sits directly over the 48” storm drain. It is impossible to support an ACP main, therefore we are looking to relocate approximately 315’ of 12” main so they can proceed with their work. By entering into this Shared Service Agreement, we will be utilizing the County’s contractor, The Earle Companies, to do this work and we will perform the inspections while they are doing the work.

Director Specht recommended approval.

Commissioner Mumolo asked why the Authority has to pay for half of the work if the County initiated the project.

Director Specht explained that a county permit states that in order to install any utilities in their highway, if it is in the way or needs to be relocated, it is up to the utility company to relocate it. Different from a NJDOT project, where if a utility is in the way, the NJDOT will relocate it.

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

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

18. PUBLIC DISCUSSION

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

Mr. Montenegro advised Mr. & Mrs. McConaghie that Mr. Montenegro spoke to the Attorney, Mr. Osorio, on November 16, 2023 and again today, regarding the update. According to Mr. Osorio, they are working forward to try and resolve this and indicated when Mr. Montenegro spoke to him today, that it should be about two weeks to have a resolution. Mr. Osorio said they were a lot of claims that they are reviewing and is recommending payment of most of the minor claims quickly and is hoping to have the support from the insurance company to do that. He did indicate that we should have a response within the next two weeks.

Mr. McConaghie thanked Mr. Montenegro for the update. He stated that Mr. Osorio and the insurance company, CNA, will not respond to any of Mr. McConaghie's phone calls. He stated that no one from his neighborhood has been contacted as well.

Mr. Montenegro stated that he believes they are going to try and resolve this in a bulk, rather than separately and over a period of time. Mr. Montenegro said that he should have some resolutions by our next public meeting.

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 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 or 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 7:27 pm.

On motion duly made and seconded in exempt session the group returned to open session at 8:08 pm.

The Authority approved the recommendations of special counsel as discussed in executive session with regard to 3M and DuPont.

20. COMMENTS FROM COMMISSIONERS, PROFESSIONALS & STAFF – NONE

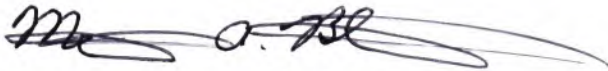
21. CLOSING STATEMENT

Ms. DiMatteo read the following closing statement: *The next Meeting of the Authority will be a Public Meeting on Thursday, December 21, 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 8:10 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "M. Blandina", with a long horizontal flourish extending to the right.

Michael Blandina, Authority Secretary

MB/kld