

**Minutes of a PUBLIC MEETING held on February 27, 2024**

**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 6, 2024 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

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

Also Present

Chris A. Theodos, Executive Director  
 Alina Ferreira, Engineering Project Manager  
 Gary Vaccaro, Dir. Compliance & Technology  
 Joseph Maggio, Dir. Water Quality  
 John Clifford, CMFO  
 Keri DiMatteo, Administrative Supervisor  
 Nick Montenegro, Esq., MUA General Counsel  
 Chuck Fallon, MUA Auditor  
 Jordan Volk, MUA Engineer

Absent

Susan Lydecker  
 Stephen T. Specht, Dir. Engineering/Operations

**4. Adoption of Directors' Reports**

Comm. Curtis made a motion to adopt the Directors' Reports. Seconded by Comm. Neafsey

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

**5. APPROVAL OF MINUTES**

Comm. Blandina made a motion to adopt the January 25, 2024 regular and February 1, 2024 reorganization meeting minutes. Seconded by Comm. Langer

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

**6. CORRESPONDENCE – NONE**

**7. BILL RESOLUTION**

Comm. Curtis read the Bill Resolution dated February 27, 2024 in the total amount of \$2,347,642.03 as follows:

Total Operating Vouchers:	\$	479,814.76
Total Capital Vouchers:		653,559.45
Total Payroll:		1,184,309.17
Escrow:		29,958.65
Total Bill Resolution:	\$	2,347,642.03

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

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

**8. TREASURER'S REPORT**

Comm. Neafsey read the Treasurer’s Report balances for the month ending January 31, 2024 as follows:

**Unrestricted Funds:**

Total Revenue Funds:	\$	22,474,370.07
Total General Funds:		8,824,224.31
Total Working Capital Fund:		16,825.76
Total Processing Fund:		4,941,276.48
Total Escrow Fund:		6,218.58
Total Unrestricted Funds:		36,262,915.20

**Restricted Funds:**

Rate Projection Maintenance Fund:		2,003,750.00
Construction Fund:		115,205.41
Total Bond Funds:		4,831,419.16
Total Other Restricted Funds:		1,692,726.25
Total Restricted Funds		8,643,100.82
Total of All Fund Accounts:		44,906,016.02

Comm. Blandina made a motion to approve the Treasurer’s Report. Seconded by Comm. Langer

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

**9. DEVELOPER APPLICATIONS**

**9.1 Preliminary Application - No Further Action Required – NONE**

**9.2 Other Applications**

2318 Albert DelPrete, Del Corp Holdings, LLC, Preliminary & Final Major Site Plan, Block 321.02, Lot 19, 345 Drum Point Rd., Preliminary, 18R & 2C

Ms. Ferreira reviewed the above action with the Board. She explained that the application is for preliminary approval for construction on three two-story six-unit contractor shop buildings, extending water and sewer mains onsite off of Drum Point Road. This was reviewed at the February construction committee meeting.

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

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

2326 Joann Marie LaConti, Preliminary & Final Major Site Plan, Block 323.04, Lots 1 & 3, Block 323.05, Lot 22, 305 & 307 Drum Point Rd., Preliminary, 18C

Ms. Ferreira reviewed the above action with the Board.

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

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

2344 Gustavo Bontempo, Proposed Sewer Extension Plan, Block 1237, Lot 197, 404 Godfrey Lake Dr., Preliminary, 1R

Ms. Ferreira reviewed the above action with the Board. She explained that this is for one residential single-family home, which requires a sewer main extension along Godfrey Lake Drive. This was reviewed at the February construction committee meeting.

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

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

**9.3 Release of Performance Bonds – NONE**

**10. UNANTICIPATED/EMERGENCY CAPITAL EXPENDITURES - NONE**

## **11. CONTRACT CLOSE-OUTS**

- a. JVS Industrial and Commercial Contractor Inc. for the Water Main Replacement for the Metedeconk River at Route 70 Water Main Stream Crossing; Capital Project No. 717005A (Final Payment; Reduction of Retainage from 2% to 0%)

Ms. Ferreira reviewed the above action with the Board. She explained that the project was completed on schedule and under budget. Close out documents, including a two-year maintenance bond, were received.

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

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

## **12. AUTHORIZATION TO EXPEND APPROVED FUNDS**

- a. Authorization for the NJDEP Bureau of Water Systems Engineering permit for the Cohansey Well Replacement Project - \$10,125.00

Director Maggio reviewed the above action with the Board. He explained that this is a required permit as we proceed with the design and financing process for this project.

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

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

- b. Authorization for the Purchase of Operations Lab Spectrophotometer – Vendor Hach - \$12,683.72

Director Maggio reviewed the above action with the Board. He explained that this is a laboratory instrument that our operators use throughout their shift to conduct process control sampling. The unit is over ten years old, and it is time for it to be replaced.

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

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

- c. Authorization to Expend Approved Funds for Consulting Services to Assist with GAC Regeneration – Vendor Hazen & Sawyer - \$13,400.00

Director Maggio reviewed the above action with the Board. He explained that as we move forward for the first time with this, what will become a regular maintenance process for the GAC system, we would like to bring on an experienced engineering firm to provide guidance as we move forward.

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

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

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

**a. Authorization to Bid for the Regeneration of Granulated Activated Carbon**

Director Maggio reviewed the above action with the Board. He explained this is the first time we are doing this but will be a regular maintenance process for the system moving forward.

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

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

**b. Authorization to Bid the Rizzo Court Stormwater Basin Retrofit Project**

Director Maggio reviewed the above action with the Board. He explained that this is a project in Howell and is part of our watershed management grant from the NJDEP. This project will be fully funded by grant funding.

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

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

**14. ADOPTION OF PERSONNEL ACTIONS**

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

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

**15. OLD BUSINESS - NONE**

**16. NEW BUSINESS - NONE**

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

**18. RESOLUTIONS**

18-24            A Resolution Renewing the Delta Dental Agreement

Executive Director Theodos reviewed the above action with the Board. He explained this is a one year contract from April 1, 2024 – March 31, 2025. Delta Dental initially provided a one-year renewal rate of 6.1% which was reduced to 3.0%. As recommended by our broker, IMAC Insurance, Executive Director Theodos requested Board adoption of this resolution.

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

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

\*\*\*\*\* **Consent Agenda** \*\*\*\*\*

*“All matters listed under item “Consent Agenda” will be enacted by one motion in the form listed below. If discussion is desired on any item, this item will be removed from the Consent Agenda and will be considered separately.”*

19-24            A Resolution Awarding Bid for Water Treatment Chemicals

21-24            A Resolution for the Award of Bid for Road Patch Materials

22-24            A Resolution Awarding Bid for Pipe and Appurtenance Materials

Director Clifford reviewed the above consent agenda items with the Board. He explained that this is part of our annual bid process.

Director Clifford recommended approval.

Comm. Curtis made a motion to approve these actions. Seconded by Comm. Blandina

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

\*\*\*\*\* **End of Consent Agenda** \*\*\*\*\*

23-24            A Resolution Authorizing Final Quantities Change Order No. 1 – Change Order No. 2 with JVS Industrial and Commercial Contractors for the Metedeconk River at Route 70 Water Main Stream Crossing for a Decrease in the Contract Amount by \$760,558.75; Brick Utilities’ Capital Project No. 717005A

Ms. Ferreria reviewed the above action with the Board. She explained that this was reviewed at the February construction committee meeting.

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

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

24-24                    A Resolution Authorizing the Request for Proposals for Laboratory Analytical Services

Director Maggio reviewed the above action with the Board. He explained that we require specialized laboratory sampling or testing for process control of the GAC system. We are looking for a laboratory that will provide this service for us.

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

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

25-24                    A Resolution Authorizing the Purchase of a Rotary Drive Air Compressor – Vendor Grainger - \$23,129.51 Funded from Account 01-724-011X

Director Maggio reviewed the above action with the Board. He explained that this compressor controls one of our chemical feed systems. It currently requires a very expensive repair, and we feel it is wiser to replace it, given its age.

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

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

26-24                    A Resolution Authorizing the Purchase of an Annual Service Contract for Laboratory Equipment in the Amount of \$30,685.00 from Vendor Agilent Technologies, Inc. Funded from Account 203-8202

Director Maggio reviewed the above action with the Board. He explained that this for most of our Agilent equipment. We refined the scope of work and removed an instrument that is not as critical for our operations and the price went down significantly from the original quote.

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

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

## **19. PUBLIC DISCUSSION**

Mr. John McConaghie from 125 Valencia Drive addressed the Board. He explained that he is here tonight with a number of his neighbors, who also have damage to their property. They are looking for an update from the Authority regarding insurance claims with Underground Utilities Corporation (UUC), the contractor that worked on the sewer main replacement project in their area.

Mr. McConaghie explained that he and his wife filed a complaint with the New Jersey Department of Insurance regarding the non-responsiveness from CNA, Underground Utilities Corporation's (UUC) insurer. A week later, they received a letter from CNA, as well as their neighbors. The letters were denial letters of their entire claim and denied the claims of other residents. Mr. McConaghie quoted the denial basis as follows, "*CNA's investigation revealed the damage to our property is pre-existing and not related to or caused by any of the work performed by UUC.*" He explained there was no further explanation, no justification, reports or evidence provided.

Mr. McConaghie advised the Board that he and his neighbors have all cooperated with BTMUA, CNA, Mr. Osoria and UUC. They have participated in at least two inspections, only to be told their claims are not valid. He and his neighbors asked the Board what the Authority plans to do now that all of these claims have been denied.

Mr. Montenegro explained that he spoke to Mr. Osorio last week and he indicated that there were some settlements that he and CNA negotiated and were resolved. Other cases they are still looking into. Mr. Montenegro's recommendation to the residents is to contact CNA and indicate what is missing and if they have additional information that can be of assistance to them to evaluate their situation and their claim. The Authority is going to stay put with their position by not releasing the escrow amount and will not authorize release of the performance bonds.

Mr. McConaghie stated that CNA did not offer an appeals process, which is legally required. He will continue to contact the NJ Department of Insurance. He is asking the Authority to come up with a plan to do something.

Mr. Montenegro advised that the Authority hired UUC to do the work but any responsibility regarding poor workmanship falls on UUC and their insurance carrier.

Mr. Hughes from 121 Valencia Drive addressed the Board and asked that something be done for a resolution.

Mr. Sapanara from 141 Valencia Drive addressed the Board and stated that he agrees with everything Mr. McConaghie has said thus far.

Mr. Montenegro advised Mr. Sapanara that the MUA directed the project, and the bidder was UUC and as a result any work product that was not of value or of good nature is the responsibility of UUC and not the Authority. The Authority is not the general contractor.

Mr. McConaghie asked why the Authority had a representative on-site overseeing the work during the project.

Mr. Montenegro replied that the Authority was making sure that the work that was relative to the Authority was in accord with the terms and conditions of the contract. He explained that the Authority



asked UUC to be fair and reasonable to these homeowners because they are residents and customers. The only remedy we have is the monies owed to them as well as their performance bond.

Mr. Tahan from 142 Valencia Drive asked for clarification that some residents within this project have received settlement letters.

Mr. Montenegro replied yes.

Mr. Hughes asked at what point the Authority releases the money and bond to UUC.

Mr. Montenegro stated that he will ask CNA for a narrative on each and every homeowner as to the reasons for the denial. He cannot guarantee it will be provided, but if they do, Mr. Montenegro will share his findings.

Mr. McConaghie stated that he and his neighbors will take whatever action they need to take to get their claims treated fairly. He then asked about preconstruction videos that were taken.

Mr. Montenegro said he will follow up on any preconstruction videos or photos that were taken.

Mr. Sosnowski from 151 Valencia Drive stated that he has multiple videos of his home and did not receive any correspondence from Mr. Osorio's office or the MUA. He also did not receive the recent letter that all of the other neighbors received.

Mr. Montenegro reiterated that the Authority is working within the parameters that we can based on the contract: holding UUC's final payment of \$100,000.00 and their performance bond.

Mr. Tahan from 142 Valencia Drive stated he has had no communication, and he did not receive a denial letter. He has not heard anything since CNA came out to do their inspection in September.

Mr. McConaghie provided Chair Mummolo with a copy of the denial letter he received.

Mr. Hughes suggested someone from the Authority look at the wells for the meter pits involved with the project, to make sure all of the lids are secure.

Chair Mummolo asked Executive Director Theodos to have someone look into this.

Chair Mummolo requested a meeting be scheduled with the Authority and UUC/CNA.

Mr. McConaghie will be the point of contact for any developments with this situation.

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


**21. CLOSING STATEMENT**

Chair Mummolo read the following closing statement: *The next Meeting of the Authority will be a Public Meeting on Wednesday, March 27, 2024 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 7:52p.m.

Respectfully submitted,

  
Thomas C. Curtis, Authority Secretary

TC/kld