



## **Berkeley Township**

### **MUNICIPAL UTILITIES AUTHORITY**

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A Regular Meeting of the Berkeley Township Municipal Utilities Authority was held on **Thursday, May 24, 2012** at 7:00 pm at the Berkeley Township Municipal Utilities Authority located at 42 Station Road, Bayville, NJ 08721. Presided by Chairman Pizzi-present, Mr. Mullikin-present, Mr. Thiemer-present, Mrs. Davis-present, Mr. Sudia-present.

Also present: Mr. Koutsouris-Attorney, Mr. Blair-Chief of Operations, and Mrs. Nugent-Executive Director.

Motion to approve the minutes from the Caucus Meeting on May 10, 2012: Mr. Thiemer, second, Mr. Mullikin. The motion was approved by voice vote. There were no "nay" votes. Mrs. Davis abstained. Motion Carried.

Motion to approve the minutes from the Executive Session of May 10, 2012: Mr. Sudia, second, Mr. Mullikin. The motion was approved by voice vote. There were no "nay" votes. Mrs. Davis abstained. Motion Carried.

#### **Treasurer's Report:**

Mrs. Davis stated that she and Mr. Thiemer reviewed the payroll and operating expenses for (05/12/12-05/25/12) two weeks. The payroll expenses were in the amount of \$13,954.03. The operating expenses were in the amount of \$53,249.19.

Mrs. Davis stated that some of this money was used for the transfer of developer escrow funds from TD Bank into Ocean First Bank. Mrs. Davis added that this appears to be a large number, but it was due to the transfer of funds.

Mrs. Davis stated that the Authority authorized a wire transfer from the Ocean First Bank revenue account to the TD Bank debt service account toward the November debt service payment.

Motion to approve the Treasurer's Report: Mr. Mullikin, second, Mr. Sudia. The motion was approved by voice vote. There were no "nay" votes. Motion Carried.

#### **Executive Director's Report:**

##### **Additional Water Allocation:**

Mrs. Nugent stated that the Authority is continuing with the process of additional water allocation. CME is investigating alternate sites for the PRM well installation. Possible

sites discussed were Emory Avenue, a site across the street from the BTMUA building, and a site across Station Road closer to Route 9. All of these sites are currently being investigated for possible locations of the PRM well.

Surveillance System:

Mrs. Nugent stated that the Authority has received the surveillance system equipment and it has been partially installed.

Pitney Bowes Postage Machine:

Mrs. Nugent stated that the Pitney Bowes postage machine has been delivered, but has not yet been installed.

Ocean Gate Windmill Tour:

Mrs. Nugent stated that she, Mr. Pizzi, Mr. Sudia, Mr. Blair, Mr. McClelland, and Mr. Chiaravallo attended a tour to view the Ocean Gate windmills. Mrs. Nugent stated that the Ocean Gate officials were very informative and allowed them to inspect the equipment.

Mrs. Nugent stated the windmills were not in full wind flow. The windmills were moving slowly and it was not noisy at the time they were underneath them. The Ocean Gate officials informed them of the costs associated and the financing that was received. The officials recommended contacts for further information regarding the windmills. One of the contacts is an employee at Ocean County College, who Mrs. Nugent will be trying to contact.

Mrs. Nugent stated that she will be gathering more information about the windmills. If there is any point of interest for the benefit of the Authority she will present it to the Board.

Conference Call:

Mrs. Nugent stated that the Authority is considering refinancing its debt. Mrs. Nugent stated that she and the Financial Committee will be participating in a conference call on Friday, May 25, 2012 at 10:00 am in regard to this matter.

Black Dot Letter:

Mrs. Nugent referred the Board to a letter from Black Dot in their packets. Black Dot is a subsidiary of AT&T. In the letter, Black Dot is requesting consideration to amend the current AT&T lease agreement with the Authority.

Mrs. Nugent stated that specifically, AT&T wants to be able to modify or upgrade its equipment on the Station Road Tower without having to request pre-approval from the

Authority. The current lease requires AT&T to submit plans to be reviewed by CME. AT&T must receive the Authority's formal approval prior to moving forward with the plan.

Mrs. Nugent stated that if the Authority should approve this allowance AT&T will provide a one time lump sum payment of \$3,000.00 and increase the base rent by \$3,600.00.

Mrs. Nugent requested guidance on how to reply to this request.

Mrs. Nugent pointed out that the current lease specifically states that the Authority shall maintain control over any additions, modifications, etcetera to the equipment on the Station Road Tower. Mrs. Nugent stated that this information was provided to Mr. Koutsouris for his review in preparation of this discussion.

Mr. Koutsouris referred the Board to the second page of the letter. Mr. Koutsouris noted that the letter stated that this is not a binding commitment and that if the Authority does not agree to their request, AT&T will abide by the terms of the original agreement which includes exercising termination rights where they exist.

Mr. Mullikin stated that AT&T is in need of the Authority's service more than it is on our end and does not recommend going further with Black Dot's request.

Mrs. Nugent stated that she discussed this matter with Mr. McClelland and he felt it is not in the best interest of the Authority to allow open-ended allowances.

Mr. Koutsouris noted that the language proposed is in regard to the antenna placement, location and numbers.

Mrs. Nugent stated that Black Dot is a subsidiary of AT&T and that they have approached the Authority in the past to negotiate the terms of the rent on AT&T's behalf. Mrs. Nugent stated that the terms presented by Black Dot have never offered any benefit to the Authority and the Authority has never accepted it.

Mr. Pizzi stated that he would not want the Authority to be in an open-ended agreement. Mr. Pizzi stated that it is his stance that once the Authority allows this then basically the other company owns our company and can do whatever it wants. Mr. Pizzi stated that he will never vote to allow any open-ended agreements and asked the commissioners if they wanted to add any comments.

Mr. Mullikin stated that the Authority would entertain a specific request if they came with one, but not for the open-ended agreement.

Mr. Sudia questioned if the Authority's contracts are with AT&T (instead of Black Dot). Mrs. Nugent confirmed that is correct and added that AT&T is on both towers. Mr. Mullikin stated that Black Dot is owned by AT&T.

Mr. Pizzi asked if the commissioners would agree to join him in turning this proposal down and to always respond in this manner if approached for an open-ended agreement in the future.

Mr. Sudia questioned if the Authority is required to respond to Black Dot in writing or if it could let the matter drop.

Mr. Koutsouris stated that at the moment it is a very informal request and is not a formal application from Black Dot. Mr. Koutsouris added that he is not certain if the Board has to formally respond at this time. The letter stated that the Board would be contacted in the next two weeks. Mr. Koutsouris questioned if the Authority has heard from any of their representatives. Mrs. Nugent replied that in the prior contact from Black Dot she had replied to them in writing addressing that particular letter that the matter will be taken into consideration, although the Authority will be declining it.

Mr. Mullikin stated that Black Dot needs to be informed that the Board does not deem it to be in the best interest of the Authority at this time.

Mr. Pizzi stated that Black Dot's request does not comply with the Authority's Rules and Regulations.

Mr. Koutsouris stated that there is no formal action that needs to be taken. The letter states that this is the language we are going to propose and that a representative will call the Authority in the next two weeks. Black Dot may come to the Authority to propose a request to the Board or submit something in writing in line of a formal application.

Mr. Koutsouris stated that right now all the Authority has is a letter from Black Dot stating that they want to propose something in the future. Mr. Koutsouris stated that this is just an informational submission to the Executive Director.

Mr. Mullikin stated that this discussion informs the Executive Director of the Board's feelings and that it is not supportive of open-ended agreements.

Mr. Pizzi stated that the Board will let this matter die at this point and not respond.

Motion to approve the Executive Director's Report: Mr. Thiemer, second, Mr. Mullikin. The motion was approved by voice vote. There were no "nay" votes. Motion Carried.

**Engineer's Report:**

Motion to approve the Engineer's Report: Mr. Thiemer, second, Mr. Mullikin. The motion was approved by voice vote. There were no "nay" votes. Motion Carried.

**Accountant's Report:**

Motion to approve the Accountant's Report: Mr. Mullikin, second, Mr. Sudia. The motion was approved by voice vote. There were no "nay" votes. Motion Carried.

**Attorney's Report:**

Possible Site for PRM Well:

Mr. Koutsouris stated he has looked into the acquisition of the property that is between the Ocean County Library at Berkeley and the Authority. Mr. Koutsouris stated that he looked at the actual tax map and found that it is one continuous lot. He had hoped it would have been a separate lot because it would have made buying that property easier. It is one continuous lot.

Mr. Koutsouris stated that what may possibly need to be done is to submit an informal application to the Planning Board for a sub-division. It is hoped that the Planning Board will accept it as an informal application coming from a governmental entity.

Mr. Koutsouris stated that the Board will be undertaking this action without ownership of the property and seeking approval for the subdivision. Should the approval be granted, the School Board may deed it as a separate lot to the Authority.

Mr. Koutsouris feels this is the easiest course of action to acquire this property. He has the contact information for the Business Administration and will update the Board at the next meeting.

Mr. Koutsouris stated that he also looked into the lots across the street from the Authority. Some of the lots are not reporting back as a taxable lot which probably means that these lots are not the lead tax lot. These lots may be privately owned.

Mrs. Nugent stated that the lots closer to the gas station on Route 9 are owned by the Town. CME is investigating these lots as a possible site for ease of acquisition.

Mr. Mullikin asked about the paper street across from the Authority. Mr. Koutsouris stated that when he viewed the tax map it shows that the paper street may have become a lot and is not a paper street anymore. Mr. Koutsouris stated this information is not from a survey, but a tax map that was updated two or three years ago, therefore it is not exact.

Mr. Koutsouris stated that it would be helpful to get a survey. If the Town is doing a milling and paving project, a survey will definitely need to be done. They could possibly share the survey with the Authority and save on the engineering costs.

Mr. Mullikin stated that a lot closer to Route 9 was identified a few days ago (week of 05/14/12). This may be a more favorable lot.

Mr. Pizzi questioned the Board to see if all of the Commissioners are in favor of taking possession of the lot by BTES.

Mrs. Davis questioned if there have been any discussions with BTES to see if they are amenable to giving possession of the lot to the Authority before any time or effort of subdividing occurs.

Mrs. Nugent stated that she spoke with Mrs. Laura Ventner who is the Business Administer for that school system. Mrs. Ventner informed Mrs. Nugent that the school has no interest in the property. It is part of the 5<sup>th</sup> and 6<sup>th</sup> grade school, but there are no plans for expanding into it.

Mrs. Nugent stated that this has not been formally presented to the School Board. Mr. Koutsouris stated now is the time to reach out to the School Board's attorney to inform them of the Authority's interest in the lot.

Mr. Sudia questioned if the need for the land is strictly for the wells. Mr. Pizzi stated that the Authority is looking to use it for alternative energy. The lot could also be used as a site for a car port to store the Authority vehicles. The third reason is for the possibility of putting a well on that property.

CME also recommends the acquisition of this property for future expansion.

Mr. Pizzi requested Mr. Koutsouris to move the legal process forward. Mr. Koutsouris stated that he will contact the School Board.

Amboy National Bank:

Mr. Koutsouris updated the Board of the correspondence status between the attorney representing Amboy National Bank and himself. He reminded the Board of Amboy's request to assume the monies from the prior developer of the Foxmoor development project.

Mr. Koutsouris stated that he had asked Amboy Bank to provide additional information. Mr. Koutsouris stated that until that additional information is received and approved he does not recommend release of these funds.

Motion to approve the Attorney's Report: Mr. Mullikin, second, Mr. Sudia. The motion was approved by voice vote. There were no "nay" votes. Motion Carried.

**Committee Reports:**

Old Business:

Mr. Thiemer updated the Board on the status of the landscaping stone installation. The actual amount of stone needed was under estimated. Twelve more tons of stone will be required to finish the job. Mr. Thiemer notified the Board that the cost will be higher.

Mr. Mullikin complimented the Authority's utility crew and stated that the landscaping is beautiful. Mr. Mullikin added that this will save money on maintenance in the long run. Mr. Pizzi gave approval to move forward with the purchase of the new stone.

Mr. Mullikin stated that he provided CME some of his calculations regarding the PRM Aquifer.

New Business:


No Report.

Motion to open the public portion: Mrs. Davis, second, Mr. Mullikin. The motion was approved by voice. There were no "nay" reports. Motion Carried.

Motion to close the public portion: Mr. Thiemer, second, Mr. Sudia. The motion was approved by voice vote. There were no "nay" votes. Motion Carried.

Motion to adjourn: Mr. Sudia, second, Mr. Mullikin. The motion was approved by approved voice vote. There were no "nay" votes. Motion Carried.

Respectfully Submitted,

  
Sandra J Walker

The next meeting of the Berkeley Township Municipal Utilities Authority is scheduled for Thursday, June 14, 2012 at 7:00 pm at the Berkeley Township Municipal Utility Authority located at 42 Station Road, Bayville, NJ 08721.