



Berkeley Township MUNICIPAL UTILITIES AUTHORITY

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A Caucus Meeting of the Berkeley Township Municipal Utilities Authority was held on **Thursday, October 11, 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-absent, Mr. Sudia-absent.

Also present: Mr. Koutsouris-Attorney, Mr. Conaty-Accountant, Mr. Chiaravallo-Engineer, and Mrs. Nugent-Executive Director.

Motion to approve the minutes from the Public Meeting on September 27, 2012: Mr. Thiemer, second, Mr. Mullikin. The motion was approved by voice vote. There were no "nay" votes. Motion Carried. Mr. Mullikin abstained.

Motion to approve the minutes from the Executive Session on September 27, 2012: Mr. Thiemer, second, Mr. Mullikin. The motion was approved by voice vote. There were no "nay" votes. Motion Carried. Mr. Mullikin abstained.

Treasurer's Report:

Mr. Mullikin stated that he and Mr. Thiemer reviewed the payroll and operating expenses for (09/29/12-10/12/12) two weeks. The payroll expenses were in the amount of \$16,048.63. The operating expenses were in the amount of \$18,798.82.

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

Executive Director's Report:

Release of Quick Chek Performance Bond/Pending Acceptance of Maintenance Bond:

Mrs. Nugent requested of the Board Authorization for the Release of the Performance Bond for the Quick Chek project pending the posting of a maintenance bond. Mrs. Nugent stated that Quick Chek has a performance bond posted in cash in the amount of \$6,267.60. Therefore, the maintenance bond required to be held for two years is in the amount of \$634.50. Mrs. Nugent stated that Quick Chek has requested the maintenance bond be posted from the cash that is currently being held and to remit the balance. Mrs. Nugent added that CME has performed the final inspection on the Quick Chek project and concurs to the project's completion and recommends the release of the performance bond.

Mr. Koutsouris stated that he reviewed and recommends the resolution.

Motion to approve the resolution for Quick Chek: Mr. Mullikin, second, Mr. Thiemer. All in favor. Roll Call. Mr. Mullikin-yes, Mr. Thiemer-yes, Mr. Pizzi-yes. Motion Carried.

Authorization of the Acquisition of a Municipal Bond Insurance Policy in Connection with the Authority's Water Revenue Refunding Bonds, Series 2012:

Mrs. Nugent requested of the Board Authorization for Acquisition of a Municipal Bond Insurance Policy in Connection with the Authority's Water Revenue Refunding Bonds Series 2012. Mrs. Nugent stated that if the Authority is able to move forward with the refunding and if the Authority's credit rating comes back less than favorable; then it is suggested by the Financial Advisor and Bond Counsel to purchase this insurance. Essentially, it will add an additional level of confidence for the investors and will allow the Authority to receive a more favorable interest rate. Mrs. Nugent stated that if the Authority proceeds with the refunding and purchases this insurance policy it will cost \$47,250.00. This amount is based on .75% of the amount that is to be refunded which is \$6,300,000.00. If the Authority does not move forward with the refunding, it will not purchase the insurance policy which means that there will be no out of pocket expenses. Mrs. Nugent added if the insurance policy is purchased then it is part of issuance cost and will be rolled over into the debt.

Motion for the Authorization of the Acquisition of a Municipal Bond Insurance Policy in Connection with the Authority's Water Revenue Refunding Bonds Series 2012: Mr. Mullikin, second, Mr. Thiemer. All in favor. Roll Call. Mr. Mullikin-yes, Mr. Thiemer-yes, Mr. Pizzi-yes. Motion Carried.

Progress Report:

Mrs. Nugent referred to her Progress Report and stated that the Board Members were previously updated on items one through ten.

BTMUA 2013 Budget Preparation:

Mrs. Nugent stated she prepared a draft of the 2013 budget. Mrs. Nugent stated that Holman & Frenia has reviewed it. Copies of the draft are in each Board Member's packets for their review and any suggestions they may offer. Mrs. Nugent stated that the draft is open to any changes or updates as the Board feels necessary.

Mrs. Nugent stated that if the Board is in agreement with the budget then it will be formally prepared. The Board is required to approve its 2013 Budget at the next meeting. The approved budget is provided to the State for approval.

Mrs. Nugent briefly reviewed the budget that was presented to the Board Members. Mrs. Nugent emphasized that this budget is a plan and not an authorization to spend the money. The budget is a guideline of what may need to be spent in the next year for 2013. Mrs. Nugent stated that she will be available to discuss the budget during the next two weeks.

Health Benefits Open Enrollment:

Mrs. Nugent stated that the State Health Benefits Program is in open enrollment on health benefits. The Authority's employees have received notification.

2011 Lien Sale:

Mrs. Nugent stated that the Township has held its 2011 lien sale. Mrs. Nugent stated that all of the Authority's balances from its 2011 liens were sold. Mrs. Nugent stated that the Township will be sending a check in the amount of \$84,916.68 for 121 accounts.

Chelsea Place Project:

Mrs. Nugent stated that the developer for the Chelsea Place project has requested assistance or guidance for its off-site improvements that are required. Mrs. Nugent stated that a meeting is scheduled for tomorrow (10/12/12) at 10: 00 am.

Mr. Pizzi questioned if all of the Board Members have responded to the New Jersey State League of Municipalities Conference. Mrs. Nugent stated she is still waiting for several responses.

Mr. Pizzi requested the Board Members to review the budget in case there are any suggestions that need to be made.

Engineer's Report:

Well No. 4:

Mr. Chiaravallo stated that CME prepared and provided to the State the Letter of Intent and the Environmental Planning Document to have the Well No. 4 project considered for the New Jersey Environmental Infrastructure Trust ("NJEIT") funding. The documents were submitted to the NJEIT on October 1, 2012.

AT&T Antenna Modifications for Station Road Tank:

Mr. Chiaravallo stated that CME received additional information from AT&T regarding the proposed antenna modifications for the Station Road Tank. Mr. Chiaravallo stated that this information is AT&T's response to CME's review of the plans previously provided.

Phase V Water Main Improvements Project:

Mr. Chiaravallo stated that CME prepared the Letter of Intent and the Environmental Planning Document to have the Phase V Water Main Improvements Project considered for the New Jersey Environmental Infrastructure Trust funding. The documents were submitted to the NJEIT on October 1, 2012. Mr. Chiaravallo added that for both the Phase V project and the Well No.4 project the documents were also submitted to the DEP at the same time so that the DEP can do the its environmental review while the NJEIT reviews the documents.

Berkeley Township School Board Acquisition Property Acquisition:

Mr. Chiaravallo stated that CME received the information from the title search. The legal description for the property was prepared. The description was forwarded to the Authority Attorney.

Station Road Tank – Berkeley Township Antennas:

Mr. Chiaravallo stated that comments were provided to the Township’s antenna installation contractor for the proposed antennas on the Station Road Tank. There was no activity during this period.

Ramos Property:

Mr. Chiaravallo stated that CME received revised plans to address some of the comments that CME provided for the proposed water system improvements to the Ramos property. CME is reviewing this information to ensure that it is in compliance with its original comments that were provided.

Mr. Mullikin questioned if the adjacent properties will be affected by the extension of the line by the Ramos project. Mrs. Nugent replied that the next property on the same side as the Ramos property already exists, so it cannot be required to connect. The property across from the Ramos property is a vacant lot. When that property is developed it will be required to connect to the water system.

Mr. Mullikin questioned the status of the Station Road paving. Mr. Chiaravallo stated that he discussed this project with the Township’s Engineer. The Township Engineer is preparing the base maps. This base map will be forwarded to CME. Mr. Chiaravallo stated that CME will mark on the base maps where the casing pipes should be installed. Mr. Chiaravallo added that the road program is still projected to begin Fall 2012.

Mr. Mullikin questioned if the cost of the casing installation will fall on the Authority or the Township. Mr. Chiaravallo stated that he was informed that the Township would include the cost in the project.

Mr. Pizzi stated that it was his understanding that the Township would assume the costs of the casings.

Accountant’s Report:

Mr. Conaty stated in his report:

Cash Position Report for September 2012:

Total All Cash Fund Balance:	\$3,840,047.74
Total Restricted Balances:	\$2,476,828.68
Total Fund Available for Disbursement:	\$1,363,219.06

Mr. Conaty stated that he reviewed the budget to actual and stated all the line items looked appropriate through September 30, 2012. Mr. Conaty stated that Mrs. Nugent will be populating the budget numbers into the State forms. The State form and approving resolution are due to the State by November 1, 2012.

Attorney’s Report:

Rules and Regulations:

Mr. Koutsouris stated that he was in contact with the Engineer concerning the Rules and Regulations review.

GS Realty:

Mr. Koutsouris provided an update on the matter between the original developer for Foxmoor at Tallwoods and GS Realty, the secondary or final developer of the project. Mr. Koutsouris stated the Foxmoor at Tallwoods development is involved in litigation regarding the cash portion of a bond that is being held by the Authority. Mr. Koutsouris stated the Authority is named in that litigation. The Authority agreed to be bound by the ruling of the Judge. Mr. Koutsouris stated the correspondence has become very contentious between Mr. Gluck and GS Realty. There were letters exchanged containing accusations that the attorneys who now represent GS Realty previously represented Mr. Gluck and his company, Tallwoods. Mr. Koutsouris stated there was a motion to have that attorney relieved of counsel with GS Realty. The Authority's position right now is to wait and see what happens. Mr. Koutsouris stated that the Commissioners have made the right decision to let the court system figure it out.

Berkeley Township School Board Property:

Mr. Koutsouris stated that he received a legal description of the property from CME. Mr. Koutsouris stated that the description and an ordinance was attached to a letter that he prepared and sent to the Berkeley Township Mayor and the Township Attorney. Mr. Koutsouris stated that if the ordinance is adopted by the Township as it is prepared, it will release the "for educational purposes only" restriction on the property the Authority wants to acquire. Mr. Koutsouris stated that it is up to the Township if it is going to consider removing that restriction and as to how it will be done. Mr. Koutsouris added that an ordinance requires two readings and notice of a public hearing twice in the paper.

Mr. Koutsouris stated that the restriction was in place so that the Township would be comfortable knowing that the land would be put to good use by another government entity. The Authority is asking for the restriction to be removed and the property will still be put to good use as we are a separate government entity.

Mr. Mullikin questioned the type of restriction on the property. Mr. Koutsouris stated that it is a very typical restriction when a Township is giving away property. Mr. Koutsouris added that a lot of times when property is given over to members of the public it will be restricted in some way for a beneficial purpose. In this case, it is a very large piece of property and is restricted to Board of Education use.

Mr. Koutsouris stated that he was in discussion with Mr. Chiaravallo regarding the title work regarding the proposed well site. The search does not reveal any issues, but the search came back only addressing half the lot. This may be because the other half of the lots have merged with the first four lots for tax purposes. This will be clarified with the title search company.

Committee Reports:

Old Business:

No Report.

New Business:

No Report.

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

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

Mr. McClelland arrived at 7:30 pm for the meeting.

Executive Session:

Motion to open Executive Session: Mr. Thiemer, second, Mr. Mullikin. The motion was approved by voice vote. There were no "nay" votes. Motion Carried.

Motion to close Executive Session: Mr. Mullikin, second, Mr. Thiemer. The motion was approved by voice vote. There were no "nay" votes. Motion Carried.

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

Motion to approve the annual review and pay raise for Employee # 1: Mr. Thiemer, second, Mr. Mullikin. All in favor. Roll Call. Mr. Mullikin-yes, Mr. Thiemer-yes, Mr. Pizzi-yes. Motion Carried.

Motion to approve the annual review and pay raise for Employee # 2: Mr. Thiemer, second, Mr. Mullikin. All in favor. Roll Call. Mr. Mullikin-yes, Mr. Thiemer-yes, Mr. Pizzi-yes. Motion Carried.

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

Respectfully Submitted,



Sandra J Walker

The next Public Meeting of the Berkeley Township Municipal Utilities Authority will be held on Thursday, October 25, 2012 at 7:00 pm at the Berkeley Township Municipal Utilities Authority located at 42 Station Road, Bayville, NJ 08721.