



Berkeley Township MUNICIPAL UTILITIES AUTHORITY

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A Public Meeting of the Berkeley Township Municipal Utilities Authority was held on **Thursday, March 28, 2013** at 7:00 pm at the Berkeley Township Municipal Utilities Authority at 42 Station Road, Bayville, NJ 08721. Presided by Chairman Pizzi-present, Mrs. Davis-present, Mr. Mullikin-present, Mr. Hale-present, Mr. Sudia-present, Mr. Buscio-present.

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

Motion to approve the minutes from the meeting on February 28, 2013: Mr. Mullikin, second, Mr. Sudia. The motion was approved by voice vote. There were no "nay" votes. Motion Carried. Mrs. Davis abstained.

Motion to approve the minutes from the Executive Session from the meeting on February 28, 2013: Mr. Sudia, second, Mr. Hale. The motion was approved by voice vote. There were no "nay" votes. Motion Carried. Mrs. Davis abstained.

Motion to approve the Executive Director's Report from the meeting on February 28, 2013: Mr. Hale, second, Mr. Sudia. The motion was approved by voice vote. There were no "nay" votes. Motion Carried. Mrs. Davis abstained.

Motion to approve the Engineer's Report from the meeting on February 28, 2013: Mr. Hale, second, Mr. Mullikin. The motion was approved by voice vote. There were no "nay" votes. Motion Carried. Mrs. Davis abstained.

Motion to approve the Accountant's Report from the meeting on February 28, 2013: Mr. Sudia, second, Mr. Hale. The motion was approved by voice vote. There were no "nay" votes. Motion Carried. Mrs. Davis.

Motion to approve the Attorney's Report from the meeting on February 28, 2013: Mr. Hale, second, Mr. Sudia. The motion was approved by voice vote. There were no "nay" votes. Motion Carried. Mrs. Davis abstained.

Treasurer's Report:

Mr. Hale stated he and Mr. Mullikin reviewed the payroll and operating expenses for (03/02/13-03/29/13) four weeks. The payroll expenses were in the amount of \$31,754.14. The operating expenses were in the amount of \$89,819.55.

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

Executive Director's Report:

Progress Report:

Acquisition of Berkeley Township Board of Education (BBOE) Property:

Mrs. Nugent stated Mr. Koutsouris prepared and sent a purchase agreement to the BBOE regarding its property. Mrs. Nugent added the purchase agreement is currently under review with the BBOE Attorney and is scheduled for the April agenda.

Discussion of billing policy related to Hurricane Sandy affected homes:

Mrs. Nugent updated the Board on the current billing policy associated with Hurricane Sandy affected homes. There are 129 homes shut off at the street level and 28 full cut and cap from the water system due to Hurricane Sandy. Mrs. Nugent stated further discussion and guidance from the Board will be requested as this issue progresses.

New Jersey Utilities Authority Joint Insurance Fund (NJUJIF):

Mrs. Nugent stated the Elected Official Training Seminar is accessible online and instructions for registration are provided on the back of her Progress Report. Mrs. Nugent added that for each Commissioner that participates, the Authority will receive a \$250.00 credit towards the insurance premium.

Wire Transaction:

Mrs. Nugent stated the Financial Committee authorized a \$100,000.00 wire from the Ocean First revenue account to TD Bank. These funds will flow to the general investments account.

Post Retirement Health Benefits:

Mrs. Nugent stated the Legal Committee had a conference call to discuss post retirement health benefits. The Legal Committee is still gathering information in regard on this topic.

Certificate of Deposits:

Mrs. Nugent stated the Authority purchased Certificates of Deposits.

New Jersey Sustainable Energy Joint Meeting (NJSEM):

Mrs. Nugent stated the Authority has a membership with NJSEM. NJSEM has notified its members that its partnership with Birdsall Services is under review. Mrs. Nugent stated the

Authority is locked in on a rate for two years with the natural gas co-op. The electrical co-op bid is scheduled for April 9, 2013.

Mr. Pizzi stated that an Executive Session will follow tonight's (03/28/13) meeting.

Engineer's Report:

Well No. 4

Mr. McClelland stated CME had a meeting with the Engineering Committee on March 21, 2013 to review the plans for Well #4 and the Phase V Water Main Project. Mr. McClelland stated the NJEIT application is due on Monday, April 1, 2013, but was delivered today.

Crystal Lake Rehabilitation Center (CLRC):

Mr. McClelland stated CME attended an inspection of CLRC with the Authority Staff, Township Fire Official, and representatives from CLRC. A report describing what was found and recommendations on how to proceed with the water connection is in preparation.

Mr. Mullikin stated Mr. Steve Johnson, a geologist with the New Jersey Geological Land and Survey, is overseeing the Well #4 project. Mr. Johnson suggested some monitoring of well #3. Mr. Mullikin explained this would involve state monitoring of the observational well at Northern Blvd and would be at no cost to the Authority.

Mr. Mullikin stated Mr. Johnson inquired about which operating system the Authority uses. Mr. McClelland stated the Authority has an auto control system. It does not have a Supervisory Control Data Acquisition (SCADA) system which is a computer that records data and can controls wells and turn them on. This is not normally done on a system like the Authority's which operates almost as if it were a SCADA system. Mr. McClelland stated because it is computer controlled it can collect data and records the levels of the wells.

Mr. Pizzi suggested Mrs. Nugent, Mr. Blair, and Mr. McClelland contact the State and notify them that the Authority is available to them upon their request.

Accountant's Report:

Mr. Conaty stated in his report:

Cash Position Report for February 2013:

Total All Cash Fund Balance:	\$3,873,984.87
Total Restricted Balances:	\$2,554,787.59
Total Fund Available for Disbursement:	\$1,319,197.28

Mr. Conaty stated the 2012 year end-audit is near completion. Mr. Conaty stated he will schedule an exit conference with the Finance Committee to go over it before the April meeting. Mr.

Conaty added he will also provide Mrs. Davis with a copy of the report so she can give a quality review.

Attorney's Report:

Purchase Agreement – Central Regional School District:

Mr. Koutsouris stated he received correspondence from Central Regional School District's attorney regarding an adjustment in the proposed agreement which references the meets and bounds descriptions. Mr. Koutsouris stated this adjustment should be fairly easy to address. The Authority has a full access easement so any issues that may occur on the property can be addressed.

Acquisition of Township Property:

Mr. Koutsouris stated there is a potential for environmental issues in regard to the property. The Authority needs to be sure there are none so it does not acquire an unusable piece of property. Mr. McClelland stated CME will request a Letter of Interpretation from the NJDEP. Mr. Koutsouris stated the Authority may be required to give an Environmental Impact Statement given the condition of the property. This may be a financial undertaking that the Authority might not want to acquire. Mr. Koutsouris added this may be time consuming and cost quite a bit of money. If this has to be done the Authority should consider doing a cost benefit analysis on this piece of property. Time will be wasted if the property cannot be developed which could cause the Authority to miss out on the opportunity for the USDA and NJEIT funding. The title company information was provided to CME for review.

Foxmoor at Tallwoods:

Mr. Koutsouris stated this issue will be addressed in Executive Session.

Acquisition of Berkeley Township School Board Property:

Mr. Koutsouris stated the purchase agreement did not make the School Board's March agenda because they wanted their attorney to review it. The purchase agreement will be on the April agenda.

Hurricane Sandy:

Mr. Koutsouris stated this issue will be addressed in Executive Session.

NJSEM:

Mr. Koutsouris stated the NJSEM is a joint meeting as defined by the statute. Members of the SEM include MUAs and Municipalities. Mr. Koutsouris stated that being a member is beneficial to the Authority as a collective purchasing joint meeting for Government. The Authority itself has no professional services agreement with Birdsall other than being a member of the SEM,.

Mr. Koutsouris stated the Authority may be impacted by this even though Birdsall is not one of its professionals or employed by it. The Authority may not get the benefits of the SEM rates on the possibility that Birdsall's assets are seized or frozen. This would prevent Birdsall from completing their engineering work in regard to their Energy Consultant, which is SEM. Energy Consultants are a very specific type of professional recognized by NJ Law and the Statute and Administrative Code. Therefore, it appears that SEM will be looking for new Energy Consultants.

Mrs. Davis asked for clarification to the BBOE property acquisition regarding the Letter of Interpretation or a full environmental study of the property.

Mr. McClelland stated the Authority requested CME to do a Phase 1 environmental study. This entails scanning the property for areas of concern, such as drums or anything of that nature. The property generally came up clean. Mr. McClelland stated that the only glitch is that wetlands were found offsite, not onsite. The wetlands have a certain resource value, which depending on what type of wetlands is found, means that a 50 ft buffer or potentially a 150 ft buffer will be required. Mr. McClelland added there is a heron that is believed to reside somewhere in this area. If there is a sighting of the heron it is added into a possible change to the resource value. Mr. McClelland stated this does not appear to be an issue. The concern is that the buffer may take up a large portion of this land. Mr. McClelland stated a building could still be built there, but it would require another level of permits. It is recommended that a Letter of Interpretation be requested to the Wetlands Commissions stating where CME believes the wetlands line is. The Commission will be requested to come to the site and confirm the line. Mr. McClelland added once this is done, it will clear the way for the Authority to proceed.

Mrs. Davis stated she was concerned with any other issues that might need remediation. Mr. McClelland stated this should not be a problem as the site study came back very clean after it was tested.

Mr. Koutsouris stated the Letter of Interpretation is the quickest way to proceed.

Mr. Mullikin reiterated the Township plans to grant this property to the Authority.

Committee Reports:

Old Business:

No Report.

New Business:

Mrs. Davis stated the Legal Committee met to discuss post-retirement benefits. It will reconvene to discuss the topic further.

Mr. Mullikin stated the State distributed to the Board Members an information fact sheet (#11) published by the New Jersey Division of Pension and Benefits regarding enrolling in health

benefit coverage after retirement. Mr. Mullikin stated this is a very recent document explain the different options post retirement as of 2012.

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

Motion to close the public portion: Mr. Hale, second, Mrs. Davis. The motion was approved by voice vote. There were no “nay” votes. Motion Carried.

Executive Session:

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

Litigation:

Crystal Lake Rehabilitation Center – Release of Escrow/Inspection of Building

GS/Realty/Foxmoor

American Southern Performance Bond/ The Grand

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

Motion to open the public portion: Mr. Hale, second, Mr. Sudia. The motion was approved by voice vote. There were no “nay” votes. Motion Carried.

Motion to release the posted escrow from the former owner of CLRC: Mr. Mullikin, second, Mr. Hale. All in favor. Roll Call. Mrs. Davis-yes, Mr. Mullikin-yes, Mr. Hale-yes, Mr. Pizzi-yes. Motion Carried.

Motion to release escrow from GS Realty/Foxmoor (known as 319 Tallwoods) from the Authority accounts to the court system as stipulated per the judgment presented: Mrs. Davis, second, Mr. Mullikin. All in favor. Roll Call. Mrs. Davis-yes, Mr. Mullikin-yes, Mr. Hale-yes, Mr. Pizzi-yes. Motion Carried.

Motion to settle with the American Southern Performance Bond Company, bond company for Berkeley Estates/Grand for \$60,000.00: Mr. Hale, second, Mr. Sudia. All in favor. Roll Call. Mrs. Davis-yes, Mr. Mullikin-yes, Mr. Hale-yes, Mr. Pizzi-yes. Motion Carried.

Motion to give the Executive Director the authority to waive the fees for the homes that were impacted by Hurricane Sandy and are no longer habitable on a prorated basis from November 1st through June 30, 2013: Mr. Hale, second, Mr. Mullikin. All in favor. Roll Call. Mrs. Davis-yes, Mr. Mullikin-yes, Mr. Hale-yes, Mr. Pizzi-yes. Motion Carried.

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

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

Respectfully Submitted,

A handwritten signature in cursive script that reads "Sandra J Walker".

Sandra J Walker

The next meeting of the Berkeley Township Municipal Utilities Authority will be held on Thursday, April 25, 2013 at 7:00 pm at the Berkeley Township Municipal Utilities Authority located at 42 Station Road, Bayville, NJ 08721.