



Berkeley Township
MUNICIPAL UTILITIES AUTHORITY

42 Station Road
Bayville, NJ 08721
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A Public Meeting of the Berkeley Township Municipal Utilities Authority was held on **Thursday, June 27, 2013** at 7:00 pm at the Berkeley Township Municipal Utilities Authority at 42 Station Road, Bayville, NJ 08721. Presided by Chairman Pizzi-present, Vice-Chairwoman Davis-present, Mr. Mullikin-present, Mr. Hale-present, Mr. Sudia-absent, Mr. Buscio-present.

Mr. Pizzi stated for the record Mr. Buscio will be sitting in as an acting Commissioner with all the associated rights due to Mr. Sudia's absence.

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

Motion to approve the minutes from the meeting on May 23, 2013: Mr. Hale, second, Mr. Mullikin. The motion was approved by voice vote. There were no "nay" votes. Motion Carried. Mrs. Davis and Mr. Buscio abstained.

Motion to approve the minutes from the Executive Session from the meeting on May 23, 2013: Mr. Mullikin, second, Mr. Hale. The motion was approved by voice vote. There were no "nay" votes. Motion Carried. Mrs. Davis and Mr. Buscio abstained.

Motion to approve the Executive Director's Report from the meeting on May 23, 2013: Mr. Hale, second, Mr. Mullikin. The motion was approved by voice vote. There were no "nay" votes. Motion Carried. Mrs. Davis and Mr. Buscio abstained.

Motion to approve the Engineer's Report from the meeting on May 23, 2013: Mr. Hale, second, Mr. Mullikin. The motion was approved by voice vote. There were no "nay" votes. Motion Carried. Mrs. Davis and Mr. Buscio abstained.

Motion to approve the Accountant's Report from the meeting on May 23, 2013: Mr. Mullikin, second, Mr. Hale. The motion was approved by voice vote. There were no "nay" votes. Motion Carried. Mrs. Davis and Mr. Buscio abstained.

Motion to approve the Attorney's Report from the meeting on May 23, 2013: Mr. Hale, second, Mr. Mullikin. The motion was approved by voice vote. There were no "nay" votes. Motion Carried. Mrs. Davis and Mr. Buscio abstained.

Treasurer's Report:

Mr. Hale stated he and Mr. Mullikin reviewed the payroll and operating expenses for (05/23/13-06/28/13) five weeks. The payroll expenses were in the amount of \$48,123.14. The operating expenses were in the amount of \$66,146.22.

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

Executive Director's Report:

Mrs. Nugent stated the first four resolutions were matters discussed and approved at the 05/23/13 meeting. Formal resolutions are now prepared for memorialization.

Capital Budget Line Item Transfer \$65,000.00 (from filter media replacement to meter purchase & replacement:

Mrs. Nugent requested of the Board authorization to transfer the capital budget line item of \$65,000.00 from the line item titled filter media replacement and move it to the meter purchase and replacement line.

Motion to transfer the \$65,000.00 capital budget line item from filter media replacement to meter purchase & replacement: Mr. Hale, second, Mrs. Davis. All in favor. Roll Call. Mrs. Davis-yes, Mr. Mullikin-yes, Mr. Hale-yes, Mr. Buscio-yes, Mr. Pizzi-yes. Motion Carried.

Authorize Bid Preparation to Lease Cellular Antenna Space on Station Road:

Mrs. Nugent stated T-Mobile is a cellular tenant on the Station Road Tower and its lease is about to expire. T-Mobile has expressed interest in extending its lease. Mrs. Nugent requested of the Board authorization to prepare the bid specifications.

Mr. Pizzi questioned if going out to bid means that any interested party can bid against T-Mobile. Mrs. Nugent affirmed that was correct. Mrs. Nugent stated she contacted the State Public Purchasing Representative and it was recommended the Authority should hold a live auction. This will provide an opportunity for T-Mobile to counter an offer. Mr. Pizzi questioned if the bid will open at a certain dollar amount. Mrs. Nugent stated the minimum bid is set at \$38,000.00 which is \$3,000.00 more than T-Mobile is currently paying.

Motion to authorize the bid preparation for the cellular antennas on Station Road: Mr. Buscio, second, Mr. Hale. All in favor. Roll Call. Mrs. Davis-yes, Mr. Mullikin-yes, Mr. Hale-yes, Mr. Buscio-yes, Mr. Pizzi-yes. Motion Carried.

Authorize Bid Preparation for Meter Purchase:

Mrs. Nugent requested of the Board authorization to prepare the bid specifications to purchase 850 water meters for replacement of damaged meters due to Hurricane Sandy.

Motion to authorize the bid preparation to purchase 850 water meters: Mr. Buscio, second, Mrs. Davis. All in favor. Roll Call. Mrs. Davis-yes, Mr. Mullikin-yes, Mr. Hale-yes, Mr. Buscio-yes, Mr. Pizzi-yes. Motion Carried.

Authorize Bid Preparation to Hire Vendor to Install SANDY Related Water Meters:

Mrs. Nugent stated the Authority made application with FEMA to hire an outside vendor to install the Sandy damaged water meters. FEMA will provide funding for 75% of the installation also.

Motion to authorize bid preparation to hire vendor to install Sandy related water meters: Mr. Buscio, second, Mr. Hale. All in favor. Roll Call. Mrs. Davis-yes, Mr. Mullikin-yes, Mr. Hale-yes, Mr. Buscio-yes, Mr. Pizzi-yes. Motion Carried.

Authorize Executive Director to Execute FEMA MOU (Memorandum of Understanding) to Receive FEMA Program Funds Re: 75% of BTMUA Category F Application:

Mrs. Nugent requested of the Board authorization that would allow her to execute the Memorandum of Understanding (MOU). Mrs. Nugent stated FEMA requires the MOU to be signed before project funding can take place. The MOU details the Authority's responsibilities and the FEMA State Representative's responsibilities to the Authority during the funding process. Mrs. Nugent referred to page four of the resolution which states FEMA requires insurance coverage. At this time, there is no guarantee of insurance coverage in place. Mrs. Nugent requested of the Board authorization to allow her to execute the MOU after the question of insurance coverage is worked out. Mr. Mullikin questioned if there is a possibility of the Authority getting in on a group rate for insurance. Mr. Koutsouris stated this needs to be discussed with the New Jersey Office of Emergency Management (NJEOM) who coordinates the grant through FEMA. NJEOM may state the Authority's JIF coverage is fine which the Authority will get the grant.

Motion to authorize the Executive Director to sign the Memorandum of Understanding (MOU) after the insurance coverage question is resolved: Mrs. Davis, second, Mr. Mullikin. All in favor. Roll Call. Mrs. Davis-yes, Mr. Mullikin-yes, Mr. Hale-yes, Mr. Buscio-yes, Mr. Pizzi-yes. Motion Carried.

Mr. Koutsouris stated Mr. Buscio will recuse himself from the participating in the discussion regarding Central Regional School District due to a conflict of interest.

Central Regional School District (CRSD) Agreement:

Mr. Koutsouris stated the Central Regional School District (CRSD) wants to convey ownership of the water supply system that was constructed on their property. There were attempts to establish communication with CRSD's counsel to work out a form of deed of dedication for certain aspects of those facilities. Mr. Koutsouris stated accepting an affidavit of title and Water Facilities Agreement should be executed. The Water Facilities Agreement spells out the rights

and responsibilities of the parties in transfer. Discussions with CRSD's counsel gave the Authority the impression these items were going to be presented to CRSD's school board for execution. Mr. Koutsouris stated this has not happened yet. Therefore, authorization should be given to the Authority's Chairman and Secretary to execute the Water Facilities Agreement as an offer. This agreement will authorize the form of deed containing CME's map which spells out the water facilities which will be acquired on it and the Affidavit of Title. The formal resolution will authorize the School Board to dedicate these facilities over to the Authority. At this point, these documents will be forwarded to Mr. Hering (CRSD School Board Attorney) requesting his client to countersign the Water Facility Agreement, sign the form of deed and return it. Mr. Koutsouris summed it up by stating if the resolution is adopted it will authorize execution of the Water Facilities Agreement, authorize acceptance of the deed in the form as it appears attached to the master resolution, authorize Affidavit of Title, and authorize the Executive Director to record the deed when received.

Motion for authorization to execute the CRSD Water Facilities Agreement: Mrs. Davis, second, Mr. Hale. All in favor. Roll Call. Mrs. Davis-yes, Mr. Mullikin-yes, Mr. Hale-yes, Mr. Buscio-abstain. Motion Carried.

Water Connection Waiver Request for Resident of 1094 Bayview Avenue:

Mrs. Nugent referred the Board to a letter from Mr. Stephan Gwozdik of 1094 Bayview Avenue, Bayville, NJ. Mrs. Nugent stated Mr. Gwozdik's residence was not connected to the water system. Mrs. Nugent stated a 90 Day Notice to connect was issued. Mr. Gwozdik replied to the 90 Day Notice stating the residence is technically owned in his late mother's name. The home is currently intestate. Mr. Koutsouris stated this means the passing of the house was handled without a will and the terms of the family relationship is unknown as the house could have been left to somebody else. Mrs. Nugent stated the house is in the estate's name and Mr. Gwozdik lives there full time. Mrs. Nugent stated Mr. Gwozdik claimed the Authority verbally gave permission for a waiver approximately 15 years ago due to a very deep well (120 feet deep). Mr. Gwozdik informed Mrs. Nugent he does not want to connect to the water system. Mrs. Nugent advised Mr. Gwozdik the ordinance requires him to connect, but she would formally present his request to the Board. Mrs. Nugent informed him that he will probably be required to connect and is still obligated to the 90 Day Notice. Mrs. Nugent requested of the Board direction on how to proceed with the waiver request. Mr. Pizzi stated this is a mandatory connection and it is not plausible that he could have received a waiver back when he said he did. Mr. Pizzi added this does not seem feasible. Therefore, Mr. Pizzi recommended a waiver not be granted as this could start a precedent. The Board discussed this matter and concurred with Mr. Pizzi.

Mr. Pizzi requested the homeowner be notified the Board turned down his request for a waiver to connect based on the Rules and Regulations.

Release Ramos Performance Bond (posted in cash \$24,655.11) and Accept Maintenance Bond (posted in cash \$3,698.27):

Mrs. Nugent stated the Ramos family of Greenway Road was required to extend the water main and connect to the public water system. They complied and the construction was recently

completed. Mrs. Nugent stated everything went well and the pressure and bacteria testing were completed with good results.

Mrs. Nugent requested of the Board authorization to release the performance bond which was posted originally in cash for \$24,655.11 and accept the cash maintenance bond for \$3,698.27. Mrs. Nugent stated this essentially means the difference will be remitted back to the resident. The authorization will allow the release after the construction items and testing are reviewed and approved. Mrs. Nugent added Mr. Blair oversaw the construction and stated the project is acceptable. Mr. Pizzi questioned if it is the bacteria testing result that CME has yet to review. Mr. Chiaravallo confirmed that was correct. Mr. Mullikin questioned if the property is part of the looping system or is a dead-end. Mrs. Nugent stated it is a dead-end.

Motion for authorization to release the Ramos Cash Performance Bond and accept the Maintenance Bond in cash contingent upon a final review of all construction and testing related items: Mr. Hale, second, Mr. Mullikin. All in favor. Roll Call. Mrs. Davis-yes, Mr. Mullikin-yes, Mr. Hale-yes, Mr. Buscio-yes. Motion Carried.

Progress Report:

Acquisition of Township Property:

Mrs. Nugent stated the DEP has required the Authority to do a cultural study of the Township property. This requirement is due to its location near an archaeological sensitive area off of Emory Lane. Mrs. Nugent stated the study will look for mussel shells which may indicate a cultural kitchen. This means there could be pottery or artifacts within or near the mussel shells if found. Due to the proximity of the property (near Emory Lane) and the Authority being a government entity, the DEP is requiring the study. Two quotes were received for the study and the lowest came in at \$5,500.00. CME was authorized to move forward. The Authority cannot move forward on the Well #4 project until the study is completed. Mr. Mullikin stated if the study turns up anything it will require a second, more expensive study to be performed. Mr. Mullikin stated all indications are that nothing will be found.

Hurricane Sandy:

Mrs. Nugent stated to date, there are 50 full disconnects from the water system due to Hurricane Sandy. Approximately 150 ratepayers have received the Sandy Relief Program credit resulting in approximately \$17,500.00 in service charge and/or fee waivers. Mrs. Nugent stated this number is not reflective of lost usage revenue.

Pension and Health Benefits Reform:

Mrs. Nugent stated the State is requiring an increase to the employees' contribution to the pension and health benefits. All of the employees affected were notified of the increase which will take place in the first paychecks in July.

NJSEM (New Jersey Sustainable Joint Meeting):

Mrs. Nugent stated the NJSEM is the utility co-op the Authority participates in. Mrs. Nugent stated the Authority continues to save approximately \$1,000.00 every month on its electrical expense. This is the first month the Authority is participating in the natural gas co-op. The co-op rate is a locked-in rate that is neutral to the current market. The Authority did not lose money nor did it save money.

2nd Quarter 2013 Billing:

Mrs. Nugent stated meter reading was completed and the bills are now being calculated.

Vacations:

Mrs. Nugent stated Mr. Blair is currently on vacation (06/27/13-07/08/13) and she is taking her vacation on 07/05/13- 07/15/13.

Mr. Koutsouris questioned if the Authority received favorable responses to its Sandy Relief Program from homeowners that were affected by Sandy. Mrs. Nugent replied these homeowners were very appreciative to the Authority for the relief program offered. The program was publicized on the billing cards, posted on the Berkeley Township TV channel, and spread by word of mouth. Mrs. Nugent added that the residents are very appreciative of all of Berkeley Township's efforts. Town Hall and the Public Works Department have received praise.

Mr. Mullikin suggested informing the Mayor and Council that this program was well received. Mrs. Nugent stated she formally made them aware of the program being offered, but hadn't advised them of how well received it was from the public. Mr. Pizzi stated it would be worthwhile to inform Town Hall of the favorable results to the program. Mrs. Davis suggested the Executive Director might consider doing a press release stating the Authority Chairman and Board of Commissioners approved the Sandy Relief Program on behalf of residents whose homes were damaged.

Mrs. Nugent announced there will be an Executive Session following tonight's meeting.

Engineer's Report:

Well #4:

Mr. Chiaravallo stated CME has completed the survey for the Well #4 site and the interconnecting pipe back to the treatment plant. Mr. Chiaravallo stated he has been in contact with Remington, Vernick, and Vena Engineers regarding the road improvement plan on Station Road. They will provide plans to CME to mark up for the casing pipes.

Mr. Chiaravallo stated CME is continuing to coordinate with the NJDEP for funding requirements related to the Well project. Well projects require an extended period of time due to the DEP permitting and allocation applications. The DEP informed CME it may delay the

funding or require funding from an alternate route. Mr. Chiaravallo stated when more information is received CME will explore the different options and inform the Board in more detail. Mr. Pizzi questioned if application was made with the NJEIT and the USDA. Mr. Chiaravallo replied yes on both accounts. Mrs. Nugent stated she contacted the USDA and was informed they have all of the paperwork, but could not provide an answer as of yet.

T-Mobile Antenna Upgrades at Station Road:

Mr. Chiaravallo stated CME reviewed a submittal from T-Mobile to replace the six existing antennas on the Station Road Tank with upgraded antennas.

Phase V Water Main Improvements Project:

Mr. Chiaravallo stated CME performed the field survey for the proposed Phase V Water Main Improvements Project. CME continues to coordinate with the NJDEP regarding additional information requested by their office. Mr. Mullikin stated the DEP has made a determination that a cultural study is not needed for the Phase V project. Mr. Chiaravallo confirmed this is correct.

Accountant's Report:

Mr. Conaty stated in his report:

Cash Position Report for May:

Total All Cash Fund Balance:	\$3,968,938.60
Total Restricted Balances:	\$2,783,440.72
Total Fund Available for Disbursement:	\$1,185,497.88

Attorney's Report:

Mr. Koutsouris stated topics for discussion will be discussed in Executive Session.

Committee Reports:

Old Report:

Mr. Pizzi stated there were prior discussions about offering the Authority employees lifetime health benefits after 25 years of service. Mr. Pizzi stated he requested Mrs. Davis to gather information and paperwork regarding this topic in preparation for the next BTMUA meeting (07/25/13). Mrs. Davis stated she would like to have a Committee Meeting first so the recommendations will be ironed out before the next meeting. Mr. Pizzi reiterated there will be a Committee Meeting for discussion on this topic and requested Mrs. Davis to email Mrs. Nugent the particular form that will be distributed to the Commissioners.

New Business:

No Report.

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

Executive Session:

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

Annual review for Employee #1

Hurricane Sandy Revenue Loss and Expenses Recovery Options

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

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

Motion for annual review for Employee #1: Mrs. Davis, second, Mr. Buscio. All in favor. Roll Call. Mrs. Davis-yes, Mr. Mullikin-yes, Mr. Hale-yes, Mr. Buscio-yes. Motion Carried.

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

Respectfully Submitted,



Sandra J Walker

Office Clerk

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