



Berkeley Township
MUNICIPAL UTILITIES AUTHORITY

42 Station Road
Bayville, NJ 08721
(732) 237-0100
Fax (732) 237-0638

A Public Meeting of the Berkeley Township Municipal Utilities Authority was held on **Thursday, August 22, 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-present, Mr. Buscio-present.

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 July 25, 2013: Mr. Hale, second, Mr. Sudia. The motion was approved by voice vote. There were no "nay" votes. Motion Carried. Mr. Pizzi, Mrs. Davis, and Mr. Mullikin abstained.

Motion to approve the minutes from the Executive Session from the meeting on July 25, 2013: Mr. Sudia, second, Mr. Hale. The motion was approved by voice vote. There were no "nay" votes. Motion Carried. Mr. Pizzi, Mrs. Davis and Mr. Mullikin abstained.

Motion to approve the Executive Director's Report from the meeting on July 25, 2013: Mr. Sudia second, Mr. Hale. The motion was approved by voice vote. There were no "nay" votes. Motion Carried. Mr. Pizzi, Mrs. Davis, and Mr. Mullikin abstained.

Motion to approve the Engineer's Report from the meeting on July 25, 2013: Mr. Sudia, second, Mr. Hale. The motion was approved by voice vote. There were no "nay" votes. Motion Carried. Mr. Pizzi, Mrs. Davis, and Mr. Mullikin abstained.

Motion to approve the Accountant's Report from the meeting on July 25, 2013: Mr. Hale, second, Mr. Sudia. The motion was approved by voice vote. There were no "nay" votes. Motion Carried. Mr. Pizzi, Mrs. Davis, and Mr. Mullikin abstained.

Motion to approve the Attorney's Report from the meeting on July 25, 2013: Mr. Hale, second, Mr. Sudia. The motion was approved by voice vote. There were no "nay" votes. Motion Carried. Mr. Pizzi, Mrs. Davis, and Mr. Mullikin abstained.

Treasurer's Report:

Mr. Hale stated he and Mr. Mullikin reviewed the payroll and operating expenses for (07/27/13-08/23/13) four weeks. The payroll expenses were in the amount of \$30,923.38. The operating expenses were in the amount of \$54,037.68.

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:

Memorialize Execution of the Bathgate/Merlin Agreement:

Mrs. Nugent stated authorization was given at the 07/25/13 meeting to execute the Bathgate/Merlin Agreement. This resolution will memorialize that authorization.

Motion to memorialize the execution of the Bathgate/ Merlin Agreement: Mr. Hale, second, Mr. Sudia. All in favor. Roll Call. Mrs. Davis-yes, Mr. Mullikin-yes, Mr. Hale-yes, Mr. Sudia-yes, Mr. Pizzi-yes. Motion Carried.

Authorization to Accept Deed of Dedication from the Central Regional School District (CRSD):

Mrs. Nugent requested of the Board approval to accept the Deed of Dedication from CRSD. Mrs. Nugent stated the Authority received from CRSD a fully executed Water Facilities Agreement and a fully executed Deed of Easement. Mrs. Nugent stated the Deed of Easement needs to be filed with the County. Mr. Koutsouris referred to a color section of the map and stated this will allow the Authority to take ownership of certain items shown on the color map. Mrs. Nugent referred to the color map and stated the Authority will take over ownership of all the mains on the property including everything up to the valves. Therefore, the Authority would be able to exercise all of the valves, flush all the fire hydrants, and have access to the property for repairs if a main should break. CRSD maintains ownership of the large size meters and from the valves to the buildings. The hydrants and system were constructed per the Rules and Regulations.

Motion to approve the acceptance for the Deed of Dedication: Mr. Mullikin, second, Mr. Sudia. All in favor. Roll Call. Mrs. Davis-yes, Mr. Mullikin-yes, Mr. Hale-yes, Mr. Sudia-yes, Mr. Pizzi-yes. Motion Carried.

Progress Report:

Hurricane Sandy:

Mrs. Nugent stated there are 68 full disconnects due to Hurricane Sandy. There are 165 homes involved in the Sandy program resulting in \$28,000.00 in service charge and fee waivers. The current Sandy program allows the Authority to give credits on the service charge through June 2013. Mrs. Nugent stated the Authority will bill the third quarter as it normally would. This will require homes affected by Sandy that are still not habitable to call in and request continuation of the Sandy program. It will enable the Authority to get an update to the status of their home. Mrs. Nugent asked if this was acceptable to the Board. Mrs. Nugent asked if the program can continue at the office level without having to bring each separate issue before the Board.

The Board authorized Mrs. Nugent to offer the Sandy credit to any qualified home after the homeowner has provided a status update.

Mr. Mullikin questioned the progression of the affected homes. Mrs. Nugent replied some homeowners have returned to their homes while others are making little or no progress.

Mr. Mullikin questioned if there were any properties that the Authority has had no contact with. Mrs. Nugent replied a lot of these homeowners no longer live in their homes. Therefore, their contact information is no longer current. Mrs. Nugent stated letters were mailed in the hopes they can be forwarded to the homeowner's new address. Despite this there are still homeowners the Authority has not been able to contact. Mr. Pizzi stated credit has been given through June, 2013 to the Sandy affected homeowners. Mr. Pizzi confirmed the Board's direction, this quarter Mrs. Nugent or Mr. Blair together will make the decisions, not the Board, as it is ultimately their responsibility in regard to the Sandy program.

FEMA:

Mrs. Nugent informed the Board that the FEMA reimbursement rate, which was 75% increased to 90% across the state. Mrs. Nugent stated application made for Category B resulted with an original reimbursement of \$7,000.00 for the Authority. Mrs. Nugent stated the additional 15% differential authorized by FEMA will remit another \$2,000.00 to the Authority.

Mrs. Nugent stated the Memorandum of Understanding (MOU) was executed (07/25/13) and was sent to FEMA. This allows the Authority to make application for Category F at a 90% reimbursement rate. This may result in upwards of \$220,000.00 for the Authority.

Health Benefits:

Mrs. Nugent stated ObamaCare will not particularly affect the Authority because the Authority employs less than 50 employees. Mrs. Nugent stated one of the regulations of ObamaCare is every employer has to provide its employees with a notice regarding the Exchange notice by October 1, 2013. Conner, Strong, & Buckelew (CS&B) is the insurance broker representing the Authority. CS&B will provide the required information to the Authority, at no charge, for distribution to our employees. The Authority has received notice of anticipated premiums for the 2014 budget. There will be no increase in dental premiums. There will be an 8% increase in the health care premium. There will be an increase of 3.5% in prescription coverage. Mrs. Nugent stated CS&B reviewed and stated these changes are valid increases. Mrs. Nugent added CS&B recommends no changes in providers.

Mr. Pizzi recommended getting signatures from each employee when the Authority distributes the information on ObamaCare to show that they have received it.

New Jersey State League of Municipalities Conference (NJSLOM):

Mrs. Nugent stated the NJSLOM Conference is scheduled November 12 – 14, 2013. Mrs. Nugent stated all of the Commissioners are registered for the conference. Mrs. Nugent offered to set up hotel reservations for the Commissioners.

Wire Transaction:

Mrs. Nugent stated the Finance Committee authorized a \$100,000.00 wire transfer from the Authority's Ocean First Bank Revenue Account to the TD Bank Debt Service Account.

Phase V & Well Public Hearing:

Mrs. Nugent stated there will be a public hearing for the Phase V and Well Project on Thursday, September 26, 2013 at 6:00 pm. The Authority's regular meeting will follow at 7:00 pm. Mrs. Nugent stated notice of this hearing will be published in the Asbury Park Press on Monday, August 26, 2013. This hearing will allow for public comment on both projects.

Engineer's Report:

Well #4 and Phase V Water Main Improvements Projects:

Mr. Chiaravallo stated the NJDEP requires a public hearing for the Phase V and Well #4 projects. The public notice must be posted 30 days in advance of the public hearing. The reasoning is both projects are considered to be Level 2 because additional connections will be added and there will be an increase in water allocation. Mr. Chiaravallo stated descriptions of the projects and responses will be provided. The public will have an opportunity to ask questions or provide comments.

Mr. Pizzi questioned where the public meeting will be held. Mrs. Nugent replied it will be held at the Authority office. Mr. Pizzi questioned if the Authority's attorney will oversee the public hearing. Mrs. Nugent stated she will make the presentation and oversee the hearing.

Well #4

Mr. Chiaravallo stated CME continues to coordinate with the NJDEP regarding the NJEIT funding. Additionally, CME is reviewing the cultural resource evaluation prepared for the proposed well site.

Phase V Water Main Improvements Project:

Mr. Chiaravallo stated CME continues the design and field survey for the Phase V Water Main Improvements project. CME will continue to coordinate with the NJDEP.

T-Mobile Antenna Upgrades at Station Road Tank:

Mr. Chiaravallo stated CME provided a response to a T-Mobile submittal for replacing the six existing antennas on the Station Road Tank.

Sprint Antenna Upgrades at Northern Boulevard Tank:

Mr. Chiaravallo stated CME attended a meeting with the Authority and Sprint representatives to review the proposed antenna upgrades at the Northern Blvd Tank.

Accountant's Report:

Mr. Conaty stated in his report:

Cash Position Report for July:

| | |
|----------------------------------------|----------------|
| Total All Cash Fund Balance: | \$4,105,784.57 |
| Total Restricted Balances: | \$2,769,365.03 |
| Total Fund Available for Disbursement: | \$1,336,419.54 |

Mr. Conaty stated the month to actual shows the user fees are down a bit and the interest income is well below budget. Mr. Conaty stated the Authority's engineer fees are a bit high, but we are still under budget overall. Mr. Conaty added the legal fees are well under budget.

Mr. Mullikin questioned if some of the engineering fees were from Hurricane Sandy. Mrs. Nugent replied the expenses are due to the requirements of various projects. Mrs. Nugent stated she did not anticipate enough in the 2013 budget for this line item. Funds can be transferred from other lines to cover.

Attorney's Report:

Deed of Easement for Central Regional School District (CRSD):

Mr. Koutsouris stated he will get the Deed of Dedication recorded. Regarding CRSD, Mr. Koutsouris stated he has not yet received the blanket easement for CRSD. Mr. Koutsouris stated CRSD's attorney wrote to him in March 2013 informing him when the colored map is provided to CRSD the formal blanket easement will then be provided and recorded. Mr. Koutsouris stated the Deed of Dedication was received one week ago (week of 08/12/13). Mr. Koutsouris added the colored map had been returned promptly.

(Please note Resolution 2013-01 approved in January, 2013: Accepting and Approving the Deed of Easement CRSD).

T-Mobile Lease Agreement on Station Road Tower:

Mr. Koutsouris stated T-Mobile has acknowledged they have received the lease agreement and that he is waiting for their response.

Berkeley Township Board of Education (BTBOE) Property Acquisition:

Mr. Koutsouris stated the BTBOE's attorney, Mr. Thompson, informed him the Commissioner of Education is ready to sign the required documents to allow the property transfer to the Authority. This will allow the Authority to move forward with the property acquisition. Mr. Koutsouris stated this matter is progressing, albeit very slowly.

Mr. Mullikin questioned what needs to be completed regarding this property. Mr. Koutsouris stated when conveying school district property, the State Commissioner of Education must sign off every transfer because of the possibility that special funding entitlements were involved with the acquisition of the property. Mr. Koutsouris stated after the Commissioner has provided his approval then the matter can go before the Township's Zoning Board to get a cursory review for the subdivision.

Mr. Mullikin questioned if the Authority has acquired ownership of the Well #4 location. Mrs. Nugent replied no. The cultural study was just completed. Mr. Koutsouris stated the Township wants to give the property to the Authority, but it has yet to provide the formal deed. The cultural study and title search are complete and report no findings. Mr. Koutsouris added so far everything accomplished step by step, has been favorable for the Authority.

Mr. Chiaravallo confirmed the cultural studies results came back with no findings. Mr. Koutsouris questioned the status of the environmental study. Mr. Koutsouris stated the Authority should not record the deed until all of the environmental concerns regarding this property have been resolved.

Mr. Mullikin questioned if it is conceivable if the Authority may bid out the construction for Well #4 next year (2014). Mr. Chiaravallo replied yes, assuming DEP approvals and funding.

Mr. Pizzi questioned if the Authority would have to complete the Well #4 project before supplying water to Phase V. Mr. Chiaravallo replied no, because the Authority can provide water for approximately another 350 connections at this time. The Authority will be adding approximately 90 connections with the Phase V project. Mr. Pizzi stated there are additional 80-90 connections that will be added due to the Roman Brothers development on Route 9. Mr. Chiaravallo stated he is aware of these applications and the Authority will be ok with these new connections.

Mr. Koutsouris stated Executive Session is required.

Committee Reports:

Old Business:

No Report.

New Business:

Mrs. Davis thanked the Board Members and staff of the Authority for their expression of sympathy regarding the passing of her Mother.

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

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

Executive Session:

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

CLRC – Public Water Connection

Amendment to Employee Manual

Gables Performance Bond

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

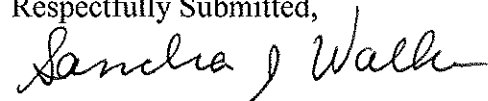
Motion to re-open public portion: Mr. Hale, second, Mr. Sudia. The motion was approved by voice vote. There were no "nay" votes. Motion Carried.

Authorize Executive Director to file complaint against CLRC for not complying with water connection ordinance: Mr. Hale, second, Mr. Mullikin. All in favor. Roll Call. Mrs. Davis-yes, Mr. Mullikin-yes, Mr. Hale-yes, Mr. Sudia-yes, Mr. Pizzi-yes. Motion Carried.

Motion to authorize acceptance of the Gables/UBC Settlement: Mr. Mullikin, second, Mr. Hale. All in favor. Roll Call. Mrs. Davis-yes, Mr. Mullikin-yes, Mr. Hale-yes, Mr. Sudia-yes, Mr. Pizzi-yes. Motion Carried.

Motion to adjourn: Mrs. Davis, second, Mr. Sudia. 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, September 26, 2013 at 7:00 pm at the Berkeley Township Municipal Utilities Authority located at 42 Station Road, Bayville, NJ 08721.