



Berkeley Township
MUNICIPAL UTILITIES AUTHORITY

42 Station Road
Bayville, NJ 08721
(732) 237-0100
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A Public Meeting of the Berkeley Township Municipal Utilities Authority was held on **Thursday, September 26, 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, Mr. Blair-Chief of Operations, and Mrs. Nugent-Executive Director.

Motion to approve the minutes from the meeting on August 22, 2013: Mr. Hale, second, Mrs. Davis. The motion was approved by voice vote. There were no "nay" votes. Motion Carried.

Motion to approve the minutes from the Executive Session from the meeting on August 22, 2013: Mr. Sudia, second, Mr. Hale. The motion was approved by voice vote. There were no "nay" votes. Motion Carried.

Motion to approve the Executive Director's Report from the meeting on August 22, 2013: Mr. Hale second, Mr. Sudia. The motion was approved by voice vote. There were no "nay" votes. Motion Carried.

Motion to approve the Engineer's Report from the meeting on August 22, 2013: Mr. Mullikin, second, Mr. Sudia. The motion was approved by voice vote. There were no "nay" votes. Motion Carried.

Motion to approve the Accountant's Report from the meeting on August 22, 2013: Mr. Mullikin, second, Mrs. Davis. The motion was approved by voice vote. There were no "nay" votes. Motion Carried.

Motion to approve the Attorney's Report from the meeting on August 22, 2013: Mr. Mullikin, second, Mr. Sudia. The motion was approved by voice vote. There were no "nay" votes. Motion Carried.

Treasurer's Report:

Mr. Hale stated he and Mr. Mullikin reviewed the payroll and operating expenses for (08/24/13-09/27/13) five weeks. The payroll expenses were in the amount of \$31,006.04. The operating expenses were in the amount of \$71,282.26.

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 Crystal Lake Rehabilitation Center (CLRC) Complaint:

Mrs. Nugent stated authorization was provided at the August 22, 2013 meeting to execute the CLRC complaint. Mrs. Nugent stated proper notice to connect to the public water system was issued to CLRC with no formal response. At the August 22, 2013 Public Meeting the Board instructed Mrs. Nugent to execute a court complaint. Mrs. Nugent stated she went to the Municipal Court and signed the complaint. The court date is scheduled for October 9, 2013 at 8:00 am. Mrs. Nugent added the Authority Attorney will accompany her to court on that date.

Motion to memorialize the authorization to file the complaint against CLRC: Mr. Hale, second, Mrs. Davis. All in favor. Roll Call. Mrs. Davis-yes, Mr. Mullikin-yes, Mr. Hale-yes, Mr. Sudia-yes, Mr. Pizzi-yes. Motion Carried.

Memorialize the Settlement of Surf & Turf/The Gables Performance Bond (\$2,500.00):

Mrs. Nugent stated The Gables is a project consisting of 14 single family homes off of Bay Blvd. Mrs. Nugent stated the Board previously accepted the settlement of the negotiation of the performance bond of \$2,500.00.

Mr. Koutsouris added the resolution also releases the performance bond and waives the maintenance bond. Mr. Koutsouris stated the waiver should be granted because the project has been in existence for more than two years and the water system is adequately functioning without problems.

Motion to memorialize the authorization for the settlement of the Performance Bond for the Gables Development for \$2,500.00: Mrs. Davis, 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.

Authorize Local Finance Board (LFB) Financial Addendum Form Application:

Mrs. Nugent requested of the Board adoption of the resolution that was prepared by the Authority Bond Counsel to represent the Authority at the LFB November meeting. The resolution notes the Authority will make application with the LFB and allows for approval of the issuance of interim notes with the NJEIT Trust Fund.

Motion to allow the Bond Counsel to make application at the LFB November meeting: 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.

Authorize the reimbursement of certain project costs prior to issuance of project debt:

Mrs. Nugent stated the Authority Bond Counsel prepared a resolution to allow the Authority to reimburse expenditures for the Well #4 and Phase V projects costs before the issuance of debt

obligations. Mrs. Nugent stated most of Phase V and Well #4 will be paid by the issuance of debt obligations. This resolution will allow the Authority to pay for certain costs of the project prior to issuing the debt, if required. Mrs. Nugent stated it is a standard authorization and recommended by Bond Counsel.

Motion to authorize reimbursement of certain project costs related to Well #4 and Phase V prior to issuance of project debt: Mrs. Davis, 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.

Award meter bid to HD Supply Waterworks:

Mrs. Nugent stated the Authority presented a bid for the purchase of water meters and associated equipment. There was one formal responder being HD Supply Waterworks. The bid package submitted by HD Supply Waterworks was both responsible and responsive. Mrs. Nugent added the prices were in keeping with previously charged prices. Mrs. Nugent stated she and the Authority Attorney reviewed the bid package and recommends award of the bid to HD Supply Waterworks. Mr. Koutsouris stated HD Supply Waterworks do a lot of meter work in Ocean County and are used by other MUAs. Mrs. Nugent stated the vendor will supply 400 Sensus meters. Most of the 400 will be used to replace the meters in affected Sandy homes. Mrs. Nugent stated in-house personnel will perform the installations of these meters. Mrs. Nugent stated FEMA will allow the Authority to reimburse itself for the costs of using in-house installation rather than an outside vendor. Mrs. Nugent stated an outside vendor can be hired to install meters in the future if needed. Mrs. Nugent added FEMA will reimburse the Authority 90% for the meter installations performed by the Authority's utility employees.

Motion to award meter bid to HD Supply Waterworks: 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.

Authorize settlement of Largo Estates Performance Bond (\$7,809.50):

Mrs. Nugent stated the Largo Estates project consists of 13 single family homes located off Harbor Inn Road. Mrs. Nugent stated the settlement of the Largo Estates Performance Bond is negotiated at \$7,809.50 plus the cash portion of the performance bond currently held in escrow, \$3,486.55 as of August 30, 2013. Mrs. Nugent stated the majority of the punch list items are minor and will be repaired by the operational staff. Mrs. Nugent stated significant items to be addressed are the production of asbuilts and the completion of the construction completion certificate for the DEP. Mrs. Nugent stated CME will assist with these items. Mrs. Nugent added that amount will sufficiently cover the Authority requirements to take care of all the items required on the punch list and close out the project.

Mrs. Davis questioned if this resolution will release the performance bond. Mr. Koutsouris replied this will authorize a settlement with the bond company. Mr. Koutsouris stated it is anticipated there will be another resolution required to release the performance bond.

Motion to settle the Largo Estates Bond Performance Bond issued by US Surety Company: Mr. Hale, second, Mrs. Davis. All in favor. Roll Call. Mrs. Davis-yes, Mr. Mullikin-yes, Mr. Hale-yes, Mr. Sudia-yes, Mr. Pizzi-yes. Motion Carried.

Progress Report:

New Jersey State League of Municipalities (NJSLOM):

Mrs. Nugent stated the NJSLOM Conference is scheduled for November 19-21, 2013.

Mr. Buscio questioned if the conference offered any training seminars. Mrs. Nugent replied there are training opportunities. These classes will be listed in the conference packet. Mrs. Nugent added the New Jersey Utility Authority Joint Insurance Fund (NJUAJIF) offers a class that if attended (Tuesday, November 19, 2013) will qualify the Authority for a premium credit.

Mrs. Nugent stated the training seminars are not mandatory. Mrs. Nugent will provide an agenda with key points of interest noted. Mr. Mullikin stated the NJUAJIF class is approximately one hour.

2014 Budget:

Mrs. Nugent stated the preparation of the 2014 budget will begin shortly.

2012 Lien Sale:

Mrs. Nugent stated the 2012 Lien Sale will take place at the Berkeley Township Town Hall on October 2, 2013. Mrs. Nugent stated the final list that went to the Township consists of 140 accounts or \$93,557.00.

Semi-Annual Hydrant Flushing:

Mrs. Nugent stated the semi-annual hydrant flushing will begin on October 7 through November 15, 2013. Mrs. Nugent stated it will be advertised in the newspapers and on the Berkeley Township channel.

Mrs. Nugent announced Executive Session is required for employee personnel matters.

Engineer's Report:

Well #4:

Mr. Chiaravallo stated CME has met with the NJDEP and the Engineering Committee to discuss the well, the well permitting and capacity of the well. Mr. Chiaravallo stated the proposed design will include a well pump sized for 700 gallon per minute (GPM) with a fourteen inch diameter inner casing and twelve inch diameter transmission main between the proposed well site and the existing water treatment plant.

Mr. Pizzi stated he, Mrs. Nugent, Mr. Blair, and Mr. Mullikin met with CME to discuss the plans for the proposed well. Topics discussed were what type of well to install, what size well would be appropriate, and the transmission line. Mr. Pizzi praised Mr. McClelland and Mr. Chiaravalle for their great job in educating all of us about firm capacity, DEP regulations and anticipated build out needs. All options and other issues were reviewed. This project will allow the Authority to connect more residents to the public water system as the water demands increase due to anticipated development.

Mr. Mullikin stated Mrs. Nugent, Mr. Blair, and the Engineering Committee met with the DEP on September 3, 2013 to discuss the details of Well #4. Mr. Mullikin added the DEP confirmed their recommendation for a Piney Point well.

Accountant's Report:

Mr. Conaty stated in his report:

Cash Position Report for August:

| | |
|----------------------------------------|----------------|
| Total All Cash Fund Balance: | \$3,934,043.16 |
| Total Restricted Balances: | \$2,624,175.24 |
| Total Fund Available for Disbursement: | \$1,309,867.92 |

Mr. Conaty stated the budget is on target and the numbers will be updated after the third quarter 2013 billing.

Mr. Conaty stated his office will continue to advise the Authority on the modified USDA application.

Attorney's Report:

Mr. Koutsouris stated the Berkeley Township School Board of Education (BTBOE) made application to the Commissioner of Education for approval of the ownership transfer of the property adjacent to the Authority. Mr. Koutsouris stated the BTBOE's attorney informed him that no reply has been received. He is still waiting for a response back.

Mr. Koutsouris stated CRSD has finalized the Deed of Dedication and sent the deed to the County Clerk for recording. Mr. Koutsouris stated the last item needed is the recording of the blanket Deed of Easement. Mr. Koutsouris stated the agreement CRSD has with the Authority is there is a blanket Deed of Dedication meaning that the Authority owns that particular property and has the right to access it if any maintenance is required. Mr. Koutsouris summed it up by stating once the blanket Deed of Dedication is recorded and received by the Authority this issue will be resolved.

Mr. Koutsouris referred to CLRC and cited a federal court case dating back to 1997 regarding mandatory connection to the public water system. Mr. Koutsouris stated the legal precedent

clearly states when a water main is on the property line the owner is legally bound to connect. Mr. Koutsouris stated the complaint against CLRC will be held in Municipal Court on October 9, 2013 at 8:00 am.

Committee Report:

New Business:

Mr. Mullikin referred to correspondence received regarding the September 30 ,2013 meeting with the NJDEP Bureau of Water Allocation & Well Permitting. The correspondence provides a summary of the minutes and is available if any of the Commissioners wanted a copy.

Mr. Mullikin stated he received a nice thank you card from Ms. Emily Segreto (Administrative Employee) regarding the passing of her son. Mr. Mullikin added all of the Authority staff and Commissioners have offered her their heartfelt condolences.

Mr. Pizzi stated Mr. Benjamin Keiser had a lot of friends and will be sorely missed in Berkeley Township.

Old Business:

No Report.

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

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

Topics Discussed:

Annual review for two employees

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

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

Motion to approve the annual review for Employee #1: 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 approve the annual review for Employee #2: Mr. Sudia, 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: Mr. Hale, second, Mrs. Davis. 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, October 24, 2013 at 7:00 pm at the Berkeley Township Municipal Utilities Authority located at 42 Station Road, Bayville, NJ 08721.