

**LACEY MUNICIPAL UTILITIES AUTHORITY  
REGULAR MEETING  
AUGUST 1, 2012**

Pledge of Allegiance

**ROLL CALL**

A Regular Meeting of the Lacey Municipal Utilities Authority was held on Wednesday, August 1, 2012 and was called to order at 7:00 p.m. by James Knoeller, Chairman. Other members present were Michael Masciale, Richard Kennedy, Arthur Miklosey, Nick Juliano, Jack Nosti and Ralph Lanuto. Also present were Jerry Dasti, attorney; Felipe Contreras, engineer; Frank Holman, auditor; Edward A. Woolf, Executive Director, and Kathleen Barrett, Assistant Director. Mark Dykoff, Lacey MUA/Township Committee Liaison, also attended the meeting.

**“SUNSHINE  
LAW”  
STATEMENT**

Mr. Knoeller read the following statement.

Notice of this regular meeting was adequately provided pursuant to Public Law 1975, Chapter 231.

Such Notice was posted at both the Lacey Township Municipal Building and at the Office of the Lacey Municipal Utilities Authority, Forked River, New Jersey.

Such Notice was forwarded to the following newspapers:

- a. Asbury Park Press
- b. Atlantic City Press

Such Notice was also forwarded to the Lacey Township Clerk for posting and filing.

**APPROVAL  
OF MINUTES**

**Closed Session Meeting of July 11, 2012** - A motion was made by Mr. Kennedy and seconded by Mr. Juliano to approve the minutes of the Closed Session Meeting of July 11, 2012. Roll call vote: Kennedy-Yes; Juliano-Yes; Miklosey-Abstain; Masciale-Yes; Knoeller-Yes. Motion passed.

**Regular Meeting of July 11, 2012** - A motion was made by Mr. Masciale and seconded by Mr. Kennedy to approve the minutes of the Regular Meeting of July 11, 2012. Roll call vote: Masciale-Yes; Kennedy-Yes; Juliano-Yes; Miklosey-Abstain; Knoeller-Yes. Motion passed.

**EXECUTIVE  
DIRECTOR'S  
REPORT**

**Cash Balance Report - Period Ending June 30, 2012** - Mr. Woolf summarized the cash balances for period ending June 30, 2012 as follows: Total cash balance for the unrestricted accounts were \$2,850,144.51, with earnings of \$892.23. Total cash balance for the restricted accounts held by the trustee were \$7,863,501.53, with earnings of \$3,129.73. Current period interest on the restricted and unrestricted accounts was \$4,021.96. Year-to-date earnings on all interest bearing accounts were \$31,774.04.

**Forked River Volunteer Fire Department** – Mr. Woolf reported the Forked River Volunteer Fire Department is sponsoring the Cole Brothers Circus on August 4<sup>th</sup> and 5<sup>th</sup>. They are requesting the use of a fire hydrant and 2½ inch connection. A motion was made by Mr. Kennedy and seconded by Mr. Miklosey authorizing the Forked River Volunteer Fire Department the use of a fire hydrant and 2-½ inch connection for the circus. Roll call vote: Kennedy-Yes; Miklosey-Yes; Juliano-Yes; Masciale-Yes; Knoeller-Yes. Motion passed.

**Brown Advisory** – Mr. Woolf recommended this issue be discussed in closed session.

## **BUSINESS REPORT**

**July Meter Reads** – Ms. Barrett reported 3,896 meters were read in July for Cycles 2 and 9. Forty-two work orders were cut to obtain manual reads not obtained during regular meter read routes. Four reads were questioned for high usage.

**August Billing** – Ms. Barrett reported utility bills will be mailed on August 3<sup>rd</sup> in the amount of \$818,395.28. Penalties were assessed on 3,460 past due accounts (all cycles) in the amount of \$21,506.55 for a total billing in August of \$839,901.83

**Customer Service** – Ms. Barrett reported fifty-three final reads with equipment inspections were performed in July with no violations. Forty-nine new customer welcome letters were mailed in June, and six responses were received in July.

## **ENGINEER'S REPORT**

**Resolution 2012-40 – Tentative Sewer and Water Approval - Maxim Drive Major Subdivision – Robert G. Lange, Jr** - Mr. Contreras reported his office received the application and plans for tentative sewer and water approval for Maxim Drive Major Subdivision, Block 1655, Lots 1-21 & 26-32. The applicant is proposing to construct a four (4)-lot subdivision on the southern side of Maxim Drive, east of Lacey Road. The applicant proposes to connect to an existing manhole at the eastern end of Maxim Drive and extend sanitary sewer main along Maxim Drive to service the subdivision. The applicant also proposes to connect individual water services to the existing 6” water main in Maxim Drive to service the units. A fire hydrant at the intersection of Maxim Drive and the Adams Street right-of-way is also proposed. On recommendation by the Authority’s engineer, a motion was made by Mr. Miklosey and seconded by Mr. Masciale to adopt *Resolution 2012-40, Resolution of the Lacey Municipal Utilities Authority, County of Ocean, State of New Jersey, Tentative Sewer and Water Approval, Maxim Drive Major Subdivision, Robert G. Lange, Jr., Block 1655, Lots 1-21 & 26-32*. Roll call vote: Miklosey-Yes; Masciale-Yes; Juliano-Yes; Kennedy-Yes; Knoeller-Yes. Motion passed.

**Resolution 2012-43 – Preliminary Sewer and Water Approval - Lacey Plaza, LLC**  
Mr. Contreras reported his office received the application and plans for preliminary sewer and water approval for Lacey Plaza, LLC, Block 225, Lots 17.01, 17.02, 17.03 & 17.04. The applicant is proposing to construct an 81,506 SF commercial building consisting of 64,606 SF of retail spaces, 5,400 SF of restaurant spaces, and an 11,500 SF Retro Fitness health club on the western side of Route 9, south of Lakeside Drive South. The applicant proposes to utilize existing water services on-site and install additional services for fire protection. The applicant also proposes to install approximately 408 LF of 8” PVC sewer main and sanitary laterals to service the building. A grease trap is also

proposed for the restaurants. On recommendation by the Authority's engineer, a motion was made by Mr. Kennedy and seconded by Mr. Miklosey to adopt *Resolution 2012-43, Resolution of the Lacey Municipal Utilities Authority, County of Ocean, State of New Jersey, Preliminary Sewer and Water Approval, Lacey Plaza, LLC, Block 225, Lots 17.01, 17.02 17.03 & 17.04*. Roll call vote: Kennedy-Yes; Miklosey-Yes; Juliano-Yes; Masciale-Yes; Knoeller-Yes. Motion passed.

**Resolution 2012-41 – Maintenance Bond Release – Maintenance Garage Reroofing MiBo Construction Company** - On recommendation by the Authority's engineer, a motion was made by Mr. Masciale and seconded by Mr. Kennedy to adopt *Resolution 2012-41, Resolution of the Lacey Municipal Utilities Authority, County of Ocean, State of New Jersey, Maintenance Bond Release, Maintenance Garage Reroofing, MiBo Construction Company*. Roll call vote: Masciale-Yes; Kennedy-Yes; Juliano-Yes; Miklosey-Yes; Knoeller-Yes. Motion passed.

**Resolution 2012-42 – Maintenance Bond Release – Municipal Lane Pump Station Upgrades & Standby Non-Clog Submersible Pumps, Bid No. 1, D & D Utility Contractors, Inc.** - On recommendation by the Authority's engineer, a motion was made by Mr. Miklosey and seconded by Mr. Kennedy to adopt *Resolution 2012-42, Resolution of the Lacey Municipal Utilities Authority, County of Ocean, State of New Jersey, Maintenance Bond Release, Municipal Lane Pump Station Upgrades & Standby Non-Clog Submersible Pumps, Bid No. 1, D & D Utility Contractors, Inc.*. Roll call vote: Miklosey-Yes; Kennedy-Yes; Juliano-Yes; Masciale-Yes; Knoeller-Yes. Motion passed.

**Water Treatment Plant No. 1 Upgrades** – Mr. Contreras stated a preconstruction meeting was held July 13<sup>th</sup>. He anticipates project to start at the end of September.

**Cleaning and Televising Contract No 7** – Mr. Contreras stated the contractor is scheduled to begin the repair list.

**S-2 and FRB-2 Pump Station Hydraulic Comminutor** – Mr. Contreras stated a bid opening is scheduled for August 14<sup>th</sup>.

#### ATTORNEY'S REPORT

**Crown Castle** – Mr. Dasti recommended this issue be discussed in closed session.

**Sea Breeze/Toll Brothers** – Mr. Dasti recommended this issue be discussed in closed session.

#### AUDITOR'S REPORT

**Accountant's Status Report – Month Ended June 30, 2012** – Mr. Holman reported the year-ending report is performing very well. User charges for water and sewer had a favorable variance for June, however, unfavorable year to date. Delinquency charges and connection fees had a favorable variance on both water and sewer.

#### CORRESPONDENCE

**Diane Madden, Cambridge Road** – Requesting pool fill credit, due to filling pool without pool fill meter. Since there were no pool-fill meters available, a motion was made by Mr. Kennedy and seconded by Mr. Miklosey to grant a sewer credit in the

amount of \$54.60 (13,000 gallons). Roll call vote: Kennedy-Yes; Miklosey-Yes; Juliano-Yes; Masciale-Yes; Knoeller-Yes. Motion passed.

**JoAnne Pepe, Crestwood Place** – Requesting relief of utility bill, due to leaking hose. Since the water did not go into the sewer system, a motion was made by Mr. Kennedy and seconded by Mr. Miklosey to grant a credit adjustment on the sewer charges in the amount of \$201.12 (45,000 gallons). Roll call vote: Kennedy-Yes; Miklosey-Yes; Juliano-Yes; Masciale-Yes; Knoeller-Yes. Motion passed.

**Eugenia Tymczyszyn, Ariel Drive** – Requesting relief of utility bill, due to broken hot water pipe. Since the water did not go into the sewer system, a motion was made by Mr. Kennedy and seconded by Mr. Masciale to grant a credit adjustment on the sewer charges in the amount of \$84.92 (28,000 gallons). Roll call vote: Kennedy-Yes; Masciale-Yes; Juliano-Yes; Miklosey-Yes; Knoeller-Yes. Motion passed.

**Ronald Pascoe, Camelot Court** – Mr. Pascoe was present requesting that his water main be connected to the new location, reimbursement of water filters, as well as a one-year reprieve on his water bill after the plumber connects his home up to new main. He discussed the circumstances leading up to this occurrence explaining there was a high chlorine smell that prompted him to install water filters. Mr. Pascoe had the two water filters with him demonstrating to the Board what was coming into the main of his home.

Mr. Knoeller stated he was under the impression that the main was connected in December 2011. Mr. Woolf explained a new service was installed from the main to the curb line. Rather than connect the home immediately; he wanted to monitor the water quality for six months. After the monitoring results came back negative, a letter was sent to Mr. Pascoe asking him to contact the plumber to connect his home to the new service. Mr. Pascoe stated he informed the plumber he wanted to wait until the warmer weather to connect and the plumber did not follow up.

Mr. Knoeller asked how many quarters has Mr. Pascoe been billed. Mr. Woolf stated he was billed one quarter, March to June 2012. Mr. Knoeller recommended not billing Mr. Pascoe for this quarter since his home is not yet connected. Once his home is connected and all testing comes back satisfactory, billing will resume. Additionally, he would like the service connected immediately.

In regards to reimbursement of the water filters, Mr. Woolf stated the Authority has already paid for some filters. Since Mr. Pascoe is taking the water and treating it further, he recommends the Authority not reimburse Mr. Pascoe for these filters.

**OLD  
BUSINESS**

**Resolution 2012-39 – Memorialize Action Taken at July 11<sup>th</sup> Board Meeting – Granting Salary Increase for Troy Burton** – Secretary Kennedy executed *Resolution 2012-39, Resolution of the Lacey Municipal Utilities Authority, County of Ocean, State of New Jersey, Memorializing Action Taken 7/11/12, Granting Salary Increase for Troy Burton.*

**Form of Contract – TKT Construction, Inc.** – Chairman Knoeller and Secretary Kennedy executed the contract with TKT Construction, Inc. for Water Treatment Plant

Upgrades for Plant No. 1 Installation of Well No. 7 and Well No. 8 in the amount of \$2,284,200.00.

**NEW  
BUSINESS**

There was no new business to discuss.

**PUBLIC BUSINESS/  
COMMENT**

There was no public business/comments.

**PAYMENT OF  
VOUCHERS**

**WHEREAS**, the members of the Lacey Municipal Utilities Authority carefully examined all vouchers presented for payment of claims;

**NOW, THEREFORE, BE IT RESOLVED** by the Lacey Municipal Utilities Authority that:

1. Said vouchers in the sum of \$169,629.06 be same are hereby approved to be paid.
2. Said vouchers are listed on the attached computer check register.

A motion was made by Mr. Miklosey and seconded by Mr. Masciale to adopt the above resolution. Roll call vote: Miklosey-Yes; Masciale-Yes; Juliano-Yes, but abstains on South Jersey Auto Supply; Kennedy-Yes; Knoeller-Yes. Motion passed.

**CLOSED  
SESSION**

**RESOLUTION**

**WHEREAS**, Section 8 of the Open Public Meetings Act, Chapter 231, Public Law 1975 permits the exclusion of the public from a meeting in certain circumstances;

**WHEREAS**, this public body is of the opinion that such circumstances presently exist.

**NOW, THEREFORE, BE IT RESOLVED** by the Lacey Municipal Utilities Authority, County of Ocean and State of New Jersey as follows:

1. The public shall be excluded from discussion of action upon the hereinafter specified subject matters.
2. The general nature of this closed session concerns contractual matters, and potential litigation.
3. It is anticipated at this time that the above-stated matters will be made public once these matters have been resolved.
4. This resolution shall take effect immediately.

A motion was made by Mr. Masciale and seconded by Mr. Kennedy to adopt the above resolution. Roll call vote: Unanimously approved.

Separate minutes were kept on the above closed session.

**RE-OPEN  
MEETING**

A motion was made by Mr. Kennedy and seconded by Mr. Juliano to reopen the meeting. Roll call vote: Unanimously approved.

**OTHER  
BUSINESS**

**Toll Brothers Connection Fee** - A motion was made by Mr. Masciale and seconded by Mr. Miklosey to grant a credit of \$35,000.00 on the next 17.5 new connections to Toll Brothers. Roll call vote: Masciale-Yes; Miklosey-Yes; Juliano-Yes; Kennedy-Yes; Knoeller-Yes. Motion passed.

**Resolution 2012-44 – Authorize Acceptance and Execution of Agreement of Sale – Global Signal Acquisitions** - A motion was made by Mr. Kennedy and seconded by Mr. Juliano to adopt *Resolution 2012-44, Resolution of the Lacey Municipal Utilities Authority, County of Ocean, State of New Jersey, Authorizing Acceptance and Execution of an Agreement of Sale to Convey a Perpetual Easement to Global Signal Acquisitions IV, LLC, Affecting Block 1835, Lot 46 and a Portion of Block 1837, Lot 4, Lacey Township, New Jersey* in the amount of \$1,250,000.00. Execution of this Resolution is contingent upon the Authority considering other offers. Roll call vote: Kennedy-Yes; Juliano-Yes; Miklosey-Yes; Masciale-Yes; Knoeller-Yes.

**ADJOURNMENT**

There being no further business to discuss, the meeting was adjourned at 7:40 p.m.

Respectfully submitted,

Michele Kennedy  
Secretary

