

**LACEY MUNICIPAL UTILITIES AUTHORITY  
REGULAR MEETING  
DECEMBER 3, 2014**

Pledge of Allegiance

**ROLL CALL**

A Regular Meeting of the Lacey Municipal Utilities Authority was held on Wednesday, December 3, 2014, and was called to order at 7:00 p.m. by Michael Masciale, Vice Chairman. Other members present were Richard Kennedy, Arthur Miklosey, Nicholas Juliano, Jack Nosti and Ralph Lanuto. Also present were Chris Dasti, Esq, attorney; Felipe Contreras, engineer; Alan Dittenhofer, engineer; Frank Holman, auditor; Deborah Busch, Office Manager and Edward A. Woolf, Executive Director. Steve Kennis, Lacey MUA/Township Committee Liaison, also attended the meeting.

**“SUNSHINE  
LAW”  
STATEMENT**

Mr. Masciale 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**

**Regular Meeting of November 5, 2014** – A motion was made by Mr. Miklosey and seconded by Mr. Nosti to approve the minutes of the Regular Meeting of November 5, 2014. Roll call vote: Miklosey-Yes; Nosti-Yes; Juliano-Yes; Kennedy-Yes; Masciale-Yes. Motion passed.

**EXECUTIVE  
DIRECTOR’S  
REPORT**

**Cash Balance Report - Period Ending October 31, 2014** - Mr. Woolf summarized the cash balances for period ending October 31, 2014 as follows: Total cash balance for the unrestricted accounts were \$6,944,514.59, with earnings of \$273.50. Total cash balance for the restricted accounts held by the trustee were \$6,930,180.34, with earnings of \$142.21. Current period interest on the restricted and unrestricted accounts was \$415.71. Year-to-date earnings on all interest bearing accounts were \$23,783.07.

**Continuing Disclosure** – Mr. Woolf stated Acacia Financial completed their review of the Authority’s most recent bond issues. Their findings were that some financial reports were not filed in a timely manner.

**BUSINESS  
REPORT**

The business report was submitted for review.

**ENGINEER'S  
REPORT**

**Resolution 2014-61 – Preliminary Sewer and Water Approval – Bob's Square Deal – Concia-Mera Holdings, LLC.** – Mr. Dittenhofer stated his office received the application and plans for preliminary sewer and water approval for Bob's Square Deal – Concia-Mera Holdings, LLC., Block 113, Lot 2. The applicant is proposing to construct a 6,000 SF hardware store and a 3,000 SF warehouse space on the east side of Route 9 between Beach Boulevard and Clearwater Drive. The applicant proposes to connect to an existing curb stop in the right-of-way of Route 9 and install a 1" water service for the building. The applicant also proposes to connect to an OCUA manhole located in an easement on the property and install a sewer main extension and service for the building. On recommendation by the Authority's engineer, a motion was made by Mr. Miklosey and seconded by Mr. Kennedy to adopt *Resolution 2014-61, Resolution of the Lacey Municipal Utilities Authority, County of Ocean, State of New Jersey, Preliminary Sewer and Water Approval, Bob's Square Deal – Concia-Mera Holdings, LLC, Block 113, Lot 2.* Roll call vote: Miklosey-Yes; Kennedy-Yes; Nosti-Yes; Juliano-Yes; Masciale-Yes. Motion passed.

**Resolution 2014-59 – Acceptance of Maintenance Bond – Release Performance Bond and Final Payment – C.1.01 Pump Station Hydraulic Comminutor - Derstine Company, LLC** – On recommendation by the Authority's engineer, a motion was made by Mr. Miklosey and seconded by Mr. Nosti to adopt *Resolution 2014-59, Resolution of the Lacey Municipal Utilities Authority, County of Ocean, State of New Jersey, Accepting Maintenance Bond and Authorize Release of Performance Bond and Final Payment for C.1.01 Pump Station Hydraulic Comminutor, Derstine Company, LLC.* Final payment amount is \$6,550.00. Roll call vote: Miklosey-Yes; Nosti-Yes; Juliano-Yes; Kennedy-Yes; Masciale-Yes. Motion passed.

**Water Treatment Plant No. 1 Upgrades** – Mr. Dittenhofer stated the electrical service to well No. 8 is currently being installed by JCP&L and expects it to be completed within the next couple of weeks.

**Meter Installation** – Mr. Dittenhofer stated contracts are ready for signature and a preconstruction meeting is scheduled for December 5<sup>th</sup>.

**Cleaning and Televising – Contract No. 8** - Mr. Dittenhofer stated contracts are ready for signature and a preconstruction meeting is scheduled for the second week in December.

**ATTORNEY'S  
REPORT**

**Liberty Overhead Door Site Plan** – Mr. Dasti stated his office reviewed correspondence concerning this application.

**Lacey Planning Board Compliance Issues** - Mr. Dasti stated his office forwarded to the Authority the Deed of Consolidation which resolves the compliance issues from their office.

**James Peirano** – Mr. Dasti recommended this issue be discussed in closed session.

**C.1.01 Pump Station Hydraulic Comminutor** – Mr. Dasti stated his office received and approved the close-out documents including the maintenance bond and wage certification.

## AUDITOR'S REPORT

**Status Report – Month Ending October 31, 2014** – Mr. Holman reported user charges for sewer and water resulted in a favorable variance for the month. Delinquency charges had a favorable variance on both water and sewer. Interest income had an unfavorable variance due to investments not performing as well as expected.

**Resolution 2014-60 – Adoption of 2015 Sewer and Water Budget** - On recommendation by the Authority's auditor, a motion was made by Mr. Miklosey and seconded by Mr. Juliano to adopt *Resolution 2014-60, Adoption of 2015 Sewer and Water Budgets*. Roll call vote: Miklosey-Yes; Juliano-Yes; Nosti-Yes; Kennedy-Yes; Masciale-Yes. Motion passed.

## CORRESPONDENCE

**Mr. & Mrs. Cooper, Fairview Lane** - Requesting relief of utility bill, due to broken pipe. Since the water that leaked 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 \$22.64 (11,000 gallons). Roll call vote: Kennedy-Yes; Miklosey-Yes; Nosti-Yes; Juliano-Yes; Masciale-Yes. Motion passed.

**Carol McElwee** – Ms. McElwee was present requesting reimbursement of plumbing charges in the amount of \$90.95 that she incurred due to a sewer back up. She explained there was a sewer backup due to a blockage in the pipes in the street. The cause of this blockage was tree roots that got into the pipe. Mr. Woolf stated LMUA personnel dug up the street and removed the roots.

Mr. Woolf discussed this situation with the Chairman and it was determined that the tree that caused the blockage was located on Ms. McElwee's property. Since a lot of time and manpower was spent to rectify the situation, the Chairman recommended forgiving the labor charges, but unable to reimburse her for the contractor's charge.

Ms. McElwee's son was also present and indicated the blockage was in the easement area next to the road. He also stated this happened 10-15 years ago in the same place, and feels it was not patched correctly the first time. Mr. Masciale asked if the easement area is on their property. Mr. Woolf stated it is in the right-of-way. He explained there is a cleanout in the 10-foot right-of-way which distinguishes responsibility between the homeowner and the utility. Mr. Woolf stated the supervisor indicated the roots began to enter the sewer pipe right at the cleanout location in the 10 foot right-of-way.

Mr. Nosti asked what kind of connection is currently in place. Mr. Woolf stated typically a PVC is used - either a glued fitting or gasket. Mr. Nosti stated if it is a glued fitting the roots should not penetrate it. If it is a hub and spicket the roots could penetrate it. On a repair like this it should be replaced with a glued connection to prevent this from happening in the future. They had no choice but to tie into a hub and spicket. Mr. Woolf stated there are chemicals that can be applied periodically to kill roots in the sewer line if it is a continuing problem. A motion was made by Mr. Miklosey and seconded by Mr. Juliano to give a credit in the amount of \$90.95. Roll

call vote: Miklosey-Yes; Juliano-Yes; Nosti-Yes; Kennedy-Yes; Masciale-Yes. Motion passed.

**Mr. & Mrs. Nielsen, Laurel Blvd.** - Requesting relief of utility bill and removal of late charge, due to leaking soaker hose. Mr. Woolf explained the customer had a soaker hose for irrigating his landscaping. Ms. Busch stated she spoke with the customer and they indicated it had been running, but the hose burst and that is what caused the excessive usage. Mr. Woolf pointed out there are policies on irrigation and this has been going on for some time. Mr. Masciale recommended a one-time credit adjustment. Should there be another event in this regard, the customer will be responsible. Since the water that leaked did not go into the sewer system, a motion was made by Mr. Miklosey and seconded by Mr. Kennedy to grant a one-time credit adjustment on the sewer charges in the amount of \$503.11 (106,000 gallons), and credit of late fees. Roll call vote: Miklosey-Yes; Kennedy-Yes; Nosti-Yes; Juliano-Yes; Masciale-Yes. Motion passed.

**Katherine Scott, Richmond Dr.** - Requesting relief of utility bill, due to outside shower pipe leak. Since the water that leaked 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 \$22.64 (11,000 gallons). Roll call vote: Kennedy-Yes; Miklosey-Yes; Nosti-Yes; Juliano-Yes; Masciale-Yes. Motion passed.

**Guido Aceto, Continental St.** - Requesting relief of utility bill, due to leaking spicket. Since the water that leaked 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 \$74.20 (24,000 gallons). Roll call vote: Kennedy-Yes; Miklosey-Yes; Nosti-Yes; Juliano-Yes; Masciale-Yes. Motion passed.

**McDonalds of Lacey/Lawrence Larsen** - Requesting relief of utility bill, due to leaking toilets. Based upon the available information, a waiver of the service charges could not be supported.

**Melissa Verone/Sesini, Lawrence Drive** - Requesting relief of utility bill, due to high usage. Since the water that leaked 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 \$105.50 (34,000 gallons). Roll call vote: Kennedy-Yes; Miklosey-Yes; Nosti-Yes; Juliano-Yes; Masciale-Yes. Motion passed.

**Fay Burke, Laurel Blvd.** - Requesting relief of utility bill, due to leaking pipe. Since the water that leaked 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 \$15.08 (13,000 gallons). Roll call vote: Kennedy-Yes; Miklosey-Yes; Nosti-Yes; Juliano-Yes; Masciale-Yes. Motion passed.

**Mike Hliva, Laurel Blvd.** - Requesting relief of utility bill, due to leaking pipe. Since the water that leaked 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 \$191.63 (46,000 gallons). Roll call vote: Kennedy-Yes; Miklosey-Yes; Nosti-Yes; Juliano-Yes; Masciale-Yes. Motion passed.

**OLD  
BUSINESS**

There was no old business to discuss.

**NEW  
BUSINESS**

There was no new business to discuss.

**PUBLIC BUSINESS/  
COMMENT**

**Candace Hannah, Sycamore Drive** - Ms. Hannah was present to request a waiver of the \$100.00 turn off/turn on charge associated with non-payment of her utility bill. She explained she is out of town four months out of the year, therefore, she did not receive her mail notifying her of the shut off notice. Ms. Hannah stated the \$100.00 fee is excessive to turn the water on and off, especially if a customer is unable to pay their utility bill in the first place. Mr. Masciale stated legally the Authority cannot waive the charge, therefore, a motion was made by Mr. Nosti and seconded by Mr. Miklosey to extend a payment plan on the \$100.00 charge. Roll call vote: Nosti-Yes; Miklosey-Yes; Juliano-Yes; Kennedy-Yes; Masciale-Yes. Motion passed. Ms. Hannah asked the Board to reconsider the rule on the \$100.00 service charge.

**Regina Discenza, Sunrise Blvd.** – Mrs. Discenza informed the Board that Brick MUA accepts on-line bank payments. Ms. Busch stated the LMUA is presently exploring all options for accepting on-line utility payments.

**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 \$909,742.44 be same are hereby approved to be paid.
2. Said vouchers are listed on the attached computer check register.
3. This resolution shall take effect immediately

A motion was made by Mr. Miklosey and seconded by Mr. Nosti to adopt the above resolution. Roll call vote: Miklosey-Yes; Nosti-Yes; Juliano-Yes, but abstains on Eastern Warehouse Distributors; Kennedy-Yes; Masciale-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 matter.
2. The general nature of this closed session concerns potential litigation.
3. It is anticipated at this time that the above-stated matter will be made public once this matter has been resolved.
4. This resolution shall take effect immediately.

A motion was made by Mr. Nosti and seconded by Mr. Miklosey 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 and seconded to return to open session. Motion unanimously carried.

**ADJOURNMENT**

There being no further business to discuss, the meeting was adjourned at 7:50 p.m.

Respectfully submitted,

Michele Kennedy  
Executive Secretary

