

**LACEY MUNICIPAL UTILITIES AUTHORITY  
REGULAR MEETING  
AUGUST 7, 2013**

Pledge of Allegiance

**ROLL CALL**

A Regular Meeting of the Lacey Municipal Utilities Authority was held on Wednesday, August 7, 2013 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 Christopher Dasti, Esq, attorney; Frank Holman, auditor; Alan Dittenhofer, engineer; and Edward A. Woolf, Executive Director.

**“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**

**Regular Meeting of July 10, 2013** – A motion was made by Mr. Masciale and seconded by Mr. Kennedy to approve the minutes of the Regular Meeting of July 10, 2013. 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, 2013** - Mr. Woolf summarized the cash balances for period ending June 30, 2013 as follows: Total cash balance for the unrestricted accounts were \$5,546,016.91, with earnings of \$1,226.34. Total cash balance for the restricted accounts held by the trustee were \$6,508,134.41, with earnings of \$1,542.56. Current period interest on the restricted and unrestricted accounts was \$2,768.90. Year-to-date earnings on all interest bearing accounts were \$28,752.19.

**Resolution 2013-48 – Amending and Modifying Policies** - On recommendation by the executive director, a motion was made by Mr. Kennedy and seconded by Mr. Juliano to adopt *Resolution 2013-48, Resolution of the Lacey Municipal Utilities Authority, County of Ocean, State of New Jersey, Amending and Modifying Policies No. 317 Uniforms, No. 502 Work Schedules, No. 503 On-Call, No. 507 Overtime of the Personnel Policy Handbook*. Roll call vote: Kennedy-Yes; Juliano-Yes; Miklosey-Yes; Masciale-Yes; Knoeller-Yes. Motion passed.

**Installation of Water Meters** – Mr. Woolf requested authorization to advertise and receive bids for the installation of water meters. He explained FEMA will pay the Authority 90% of the fee to have a contractor install the meters. A motion was made by Mr. Juliano and seconded by Mr. Kennedy authorizing the advertisement to receive bids for the installation of water meters. Roll call vote: Juliano-Yes; Kennedy-Yes; Miklosey-Yes; Masciale-Yes; Knoeller-Yes. Motion passed.

**BUSINESS  
REPORT**

The business report was submitted for review.

**ENGINEER'S  
REPORT**

**Resolution 2013-47 – Performance Guarantee Reduction – Toll Brothers – Sea Breeze at Lacey Phase 2D, Section 2** – On recommendation by the Authority's engineer, a motion was made by Mr. Miklosey and seconded by Mr. Juliano to adopt *Resolution No. 2013-47, Resolution of the Lacey Municipal Utilities Authority, County of Ocean, State of New Jersey, Performance Guarantee Reduction, Water and Sewer Systems, Toll Brothers-Sea Breeze at Lacey, Phase 2D, Section 2, Block 1901, Lot 18*. Roll call vote: Miklosey-Yes; Juliano-Yes; Kennedy-Yes; Masciale-Yes; Knoeller-Yes. Motion passed.

**Change Order No. 2 – Water Treatment Plant No. 1 Upgrades – TKT Construction**  
Mr. Dittenhofer explained this change order represents providing new exhaust fans for Well 7 & 8, new potassium tank, 4" blow-off valve and roofing for well No. 1 for a net contract increase of \$20,858.18. Mr. Miklosey asked why the roofing was not included in the original bid, and why did the work get done if it was not authorized. Mr. Dittenhofer stated the replacing of the roof was not planned, however, it needed to get done. Mr. Knoeller stated it should have gone out for bid. He also stated contractors must be aware that if something is not in the original bid they have no right going ahead and doing the work.

Mr. Knoeller recommended approving change order E4, E5 and E6 and hold E7. A motion was made by Mr. Masciale and seconded by Mr. Miklosey to approve change order E4, E5 and E6 only. Roll call vote: Masciale-Yes; Miklosey-Yes; Juliano-Yes; Kennedy-Yes; Knoeller-Yes. Motion passed.

**Cleaning and Televising Contract No. 7** – Mr. Dittenhofer stated this project is complete. Closeout documents for this project are being prepared.

**Installation of Hydraulic Grinder at Parkers Point and L-4 Pump Station** – Mr. Dittenhofer stated this project is on hold, and will be addressed by the Authority's attorney.

**Cleaning & Televising Contract No. 8** – Mr. Dittenhofer stated this project is under design, and will be bid upon by the end of the month.

**Decommissioning of Brookdale Wells 1 and 2** – Mr. Dittenhofer stated this project is under design.

**ATTORNEY'S  
REPORT**

**Resolution 2013-51 – Authorizing Service Contract with Township** – On recommendation by the Authority's attorney, a motion was made by Mr. Masciale and seconded by Mr. Juliano to adopt *Resolution 2013-51, Resolution of the Lacey Municipal Utilities Authority, County of Ocean, State of New Jersey, Authorizing Service Contract Pursuant to N.J.S.A. 40:14B-49*. Roll call vote: Masciale-Yes; Juliano-Yes; Miklosey-Yes; Kennedy-Yes; Knoeller-Yes. Motion passed.

**Bond Refunding** – Mr. Dasti stated his office reviewed all proposed closing documents for the proposed refunding of the water and sewer bonds. He anticipates the closing will take place in September/October. A service agreement is in the process of being finalized with the Township.

**OCUA Deficiency** - Mr. Dasti stated the arbitration proceeding is schedule for the first week in September, 2013.

**Union Negotiations (Teamsters Local 97)** - Mr. Dasti stated the negotiations have been finalize and Agreement is to be executed.

**Superstorm Sandy Issues** – Mr. Dasti stated storm related claims are being processed by Mr. Bathgate's office.

**P.P and L-4 Pump Station Hydraulic Comminutors** – Mr. Dasti stated his office has been advised that TKT Construction filed a complaint with the NJDCA in objection with the Authority awarding the bid to KRS Services, Inc. Based on this information, his office recommends the contract not be executed with KRS Services, Inc. until his office reviews the complaint. Mr. Miklosey questioned the attorney's fees of \$1,620.00. Mr. Dasti stated the fees are associated with reviewing the case with regard to the local public contracts law, as well as reviewing relevant cases that came down from the appellate division and the Supreme Court. His office issued memorandums of what was actually done. Mr. Knoeller asked Mr. Dasti to send a copy of the memorandum to the Authority.

**AUDITOR'S  
REPORT**

**Accountant's Status Report – Month Ended June 30, 2013** – Mr. Holman reported sewer and water user charges resulted in an unfavorable variance for the month. Delinquency charges on both water and sewer had a favorable variance for the month. The Authority received approximately \$40,000.00 from FEMA reimbursements

Mr. Holman stated the application has been prepared for the Local Finance Board. A Special Meeting may be held in September for an October closing date

Mr. Miklosey asked if Ocean First Bank would be included in the bond refunding. Mr. Holman stated they would not. He explained they did not have a present value savings of 3%. It will, however, be monitored.

Mr. Masciale asked for the status of TD Bank and their charges to the Authority's financial advisor. Mr. Woolf stated TD Bank wants to charge \$18,000 for the software

to interface with the investment manager's software. A finance committee meeting will be held to discuss this further.

## **CORRESPONDENCE**

**Mr. & Mrs. May, Woodside Road** – Requesting waiver of water connection fee. According to the Authority's rules and regulations, a waiver of the water connection fee could not be supported.

**Richard Holzer, Hollywood Boulevard** – Requesting relief of utility bill, due to filling pool without pool fill meter. Since pool-fill credits are only issued with the use of a pool fill meter, a waiver of the portion of the charges could not be supported.

In regards to pool-fill credit requests, Mr. Woolf asked the Board if he should notify customers of the Authority's policy, rather than submitting them for Board review. Mr. Knoeller recommended the requests be investigated to determine if there are extenuating circumstances that would require Board review. He authorized Mr. Woolf to respond to customers who indicate they were not aware of the use of a pool fill meter.

**Robert Roshak, Tamiami Road** - Requesting relief of utility bill, due to pipe leak. Since the customer's last water meter reading did not indicate additional usage during this billing cycle, the Board could not justify an adjustment to the account.

**Mr. & Mrs. Morano, Steuben Avenue** – Requesting payment plan. A motion was made by Mr. Kennedy and seconded by Mr. Masciale to offer a payment plan, contingent upon customer keeping quarterly bills up to date. Roll call vote: Kennedy-Yes; Masciale-Yes; Juliano-Yes; Miklosey-Yes; Knoeller-Yes. Motion passed.

**Mr. & Mrs. Lombardo, Jones Road** – Requesting payment plan. A motion was made by Mr. Kennedy and seconded by Mr. Masciale to offer a payment plan, contingent upon customer keeping quarterly bills up to date. Roll call vote: Kennedy-Yes; Masciale-Yes; Juliano-Yes; Miklosey-Yes; Knoeller-Yes. Motion passed.

**Lynn Gunther, Lake Barnegat Drive North** – Requesting payment plan. A motion was made by Mr. Kennedy and seconded by Mr. Masciale to offer a payment plan, contingent upon customer keeping quarterly bills up to date. Roll call vote: Kennedy-Yes; Masciale-Yes; Juliano-Yes; Miklosey-Yes; Knoeller-Yes. Motion passed.

**Neil McNearney, Chelsea Street** – Requesting one-month extension to pay past due utility bill. A motion was made by Mr. Kennedy and seconded by Mr. Masciale to offer one-month extension to pay past due utility bill, contingent upon customer keeping quarterly bills up to date. Roll call vote: Kennedy-Yes; Masciale-Yes; Juliano-Yes; Miklosey-Yes; Knoeller-Yes. Motion passed.

**Mr. & Mrs. Wallace, Fairfield Place** - Requesting relief of utility bill, due to filling pool without pool fill meter. Since pool-fill credits are only issued with the use of a pool fill meter, a waiver of the portion of the charges could not be supported.

**Mr. & Mrs. Cafiero, Algonquin Trail** – Requesting payment plan. A motion was made by Mr. Kennedy and seconded by Mr. Masciale to offer a payment plan,

contingent upon customer keeping quarterly bills up to date. Roll call vote: Kennedy-Yes; Masciale-Yes; Juliano-Yes; Miklosey-Yes; Knoeller-Yes. Motion passed.

**Frances Jiminez, Lanlac Drive** – Ms. Jiminez was present to request relief of her utility bill, due to a cracked water line. Since the water that leaked 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 \$711.66 (110,000 gallons). Roll call vote: Kennedy-Yes; Masciale-Yes; Juliano-Yes; Miklosey-Yes; Knoeller-Yes. Motion passed.

**Amanda McKenney, Wainwright Street** – Requesting payment plan. A motion was made by Mr. Kennedy and seconded by Mr. Masciale to offer a payment plan, contingent upon customer keeping quarterly bills up to date. Roll call vote: Kennedy-Yes; Masciale-Yes; Juliano-Yes; Miklosey-Yes; Knoeller-Yes. Motion passed.

**William Daddio, Nautilus Blvd.** – Requesting payment plan. Additional information is required before a determination can be made.

**Dan Cortese, Emerald Court** - Requesting relief of utility bill, due to leak. Since the water that leaked did not go into the sewer system, a motion was made by Mr. Kennedy and seconded by Mr. Juliano to grant a credit adjustment on the sewer charges in the amount of \$507.50 (75,000 gallons). Roll call vote: Kennedy-Yes; Juliano-Yes; Miklosey-Yes; Masciale-Yes; Knoeller-Yes. Motion passed.

**Ruth Uveges, Richard Place** – Ms. Uveges was present to request a payment plan on her outstanding utility bill. A motion was made by Mr. Kennedy and seconded by Mr. Juliano to offer a payment plan, contingent upon customer keeping quarterly bills up to date. Roll call vote: Kennedy-Yes; Juliano-Yes; Miklosey-Yes; Masciale-Yes; Knoeller-Yes. Motion passed.

**Elicito Montero, Williams Avenue** – Ms. Montero was present to request a payment plan on her outstanding utility bill. A motion was made by Mr. Juliano and seconded by Mr. Miklosey to offer a payment plan, contingent upon customer keeping quarterly bills up to date. Roll call vote: Juliano-Yes; Miklosey-Yes; Kennedy-Yes; Masciale-Yes; Knoeller-Yes. Motion passed.

**OLD  
BUSINESS**

**Resolution 2013-50 – Memorializing action taken on July 10, 2013 - Appointing Roosevelt & Cross as Authority Underwriter** – Secretary Kennedy executed Resolution 2013-50, Appointing Roosevelt & Cross as Underwriters for the Lacey Municipal Utilities Authority with regard to the Refunding of the Sanitary Sewer and Water Bonds.

**Resolution 2013-49 – Memorializing action taken on July 10, 2013 - Appointing Deborah Busch as Office Manager** – Secretary Kennedy executed Resolution 2013-49, Appointing Deborah Busch as Office Manager.

**Resolution 2013-52 – Memorializing action taken on July 10, 2013 - Appointing Michele Kennedy as Executive Secretary** – Secretary Kennedy executed Resolution 2013-52, Appointing Michele Kennedy as Executive Secretary.

**NEW  
BUSINESS**

Mr. Woolf requested authorization to advertise and receive bids for electrical maintenance & repair, due to the rejection of previously submitted bids. He stated the reason for rejection of the bids is the apparent lowest bidder bid less than prevailing wage. A motion was made by Mr. Kennedy and seconded by Mr. Juliano to reject the bids previously submitted for electrical maintenance & repair, and re-advertise this project. Roll call vote: Kennedy-Yes; Juliano-Yes; Miklosey-Yes; Masciale-Yes; Knoeller-Yes. Motion passed.

**PUBLIC BUSINESS/  
COMMENT**

**Regina Discenza, Sunset Drive** – Mrs. Discenza asked if Brookdale Wells 1 & 2 will be decommissioned. Mr. Woolf stated those wells have not been in operation since September 2005, therefore, they will be decommissioned.

Mrs. Discenza asked if testing has been done for Tritium. Mr. Woolf stated tests are done once a month.

**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 \$335,747.49 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. Kennedy and seconded by Mr. Masciale to adopt the above resolution. Roll call vote: Masciale-Yes; Masciale-Yes; Juliano-Yes, but abstains on Eastern Warehouse Distributors; Miklosey-Yes; Knoeller-Yes. Motion passed.

**ADJOURNMENT**

There being no further business to discuss, the meeting was adjourned at 7:30 p.m.

Respectfully submitted,

Michele Kennedy  
Executive Secretary

