

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

Pledge of Allegiance

ROLL CALL

A Regular Meeting of the Lacey Municipal Utilities Authority was held on Wednesday, September 3, 2014 and was called to order at 7:00 p.m. by James Knoeller, Chairman. Other members present were Michael Masciale, Richard Kennedy, Arthur Miklosey, Nicholas Juliano, Jack Nosti and Ralph Lanuto. Also present were Chris Connors, Esq., attorney; Alan Dittenhofer, engineer; Frank Holman, auditor; and Edward A. Woolf, Executive 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**

Regular Meeting of August 6, 2014 – A motion was made by Mr. Miklosey and seconded by Mr. Kennedy to approve the minutes of the Regular Meeting of August 6, 2014. Roll call vote: Miklosey-Yes; Kennedy-Yes; Juliano-Yes; Masciale-Yes; Knoeller-Yes. Motion passed.

**EXECUTIVE
DIRECTOR’S
REPORT**

Cash Balance Report - Period Ending July 31, 2014 - Mr. Woolf summarized the cash balances for period ending July 31, 2014 as follows: Total cash balance for the unrestricted accounts were \$6,954,765.06, with earnings of \$273.13. Total cash balance for the restricted accounts held by the trustee were \$5,853,481.99, with earnings of \$3,153.39. Current period interest on the restricted and unrestricted accounts was \$3,426.52. Year-to-date earnings on all interest bearing accounts were \$21,703.81.

Resolution 2014-44 – Renewal of Membership in New Jersey Utility Authorities Joint Insurance Fund – On recommendation by the executive director, a motion was made by Mr. Masciale and seconded by Mr. Miklosey to adopt *Resolution 2014-44, Resolution of the Lacey Municipal Utilities Authority, County of Ocean, State of New Jersey, Renewal of Membership in the New Jersey Utility Authorities Joint Insurance*

Fund. Roll call vote: Masciale-Yes; Miklosey-Yes; Juliano-Yes; Kennedy-Yes; Knoeller-Yes. Motion passed.

Resolution 2014-47 – Transfer of Funds – 2014 Sewer and Water Budget – On recommendation by the executive director, a motion was made by Mr. Kennedy and seconded by Mr. Juliano to adopt *Resolution 2014-47, Resolution of the Lacey Municipal Utilities Authority, County of Ocean, State of New Jersey, Authorizing Transfer of Funds, 2014 Sewer and Water Budget.* Roll call vote: Kennedy-Yes; Juliano-Yes; Miklosey-Yes; Masciale-Yes; Knoeller-Yes. Motion passed.

BUSINESS REPORT

The business report was submitted for review. The MUAA dinner/meeting will be held on Thursday, September 11, 2014.

ENGINEER'S REPORT

Resolution 2014-45 – Preliminary Sewer and Water Approval – Dunkin Donuts Coffee Shop – Lacey Road Development, LLC. – Mr. Dittenhofer stated his office received the application and plans for preliminary sewer and water approval for Dunkin Donuts Coffee Shop, Lacey Road Development, LLC, Block 1617, Lots 11-14. The applicant is proposing to construct a 1,969 SF Dunkin Donuts coffee shop on the northern side of Lacey Road, between Lake Barnegat Drive North and Holmes Avenue. The applicant proposes to connect to an existing cleanout located in the right-of-way of Lacey Road and install a 4” sanitary lateral for the building. The applicant also proposes to connect to an existing curb stop in the right-of-way of Lacey Road and install a 2” water 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 2014-45, Resolution of the Lacey Municipal Utilities Authority, County of Ocean, State of New Jersey, Preliminary Sewer and Water Approval, Dunkin Donuts Coffee Shop, Lacey Road Development, LLC, Block 1617, Lots 11-14.* Roll call vote: Miklosey-Yes; Kennedy-Yes; Juliano-Yes; Masciale-Yes; Knoeller-Yes. Motion passed.

Resolution 2014-46 – Permit to Operate – Sea Breeze at Lacey – Phase 2, Section 2A - On recommendation by the Authority’s engineer, a motion was made by Mr. Masciale and seconded by Mr. Miklosey to adopt *Resolution 2014-46, Resolution of the Lacey Municipal Utilities Authority, County of Ocean, State of New Jersey, Permit to Operate – Sewer and Water System, Sea Breeze at Lacey, Phase 2, Section 2A, Arborridge Drive & Lovelock Lane, Block 1901, Lot 18.* Roll call vote: Masciale-Yes; Miklosey-Yes; Juliano-Yes; Kennedy-Yes; Knoeller-Yes. Motion passed.

Water Treatment Plant No. 1 Upgrades – Mr. Dittenhofer stated Permit to Operate was approved August 25th and are now permitted to utilize the facility. Electrical work still needs to be completed at Well No. 8. Well No. 7 and the Plant can be run at any time.

Meter Installation – Mr. Dittenhofer stated specifications were reviewed and adjustments are ongoing. The project should be ready to go out to bid as soon as the final list of meters is verified by the Authority.

Installation of Hydraulic Grinder at CP-1 - Mr. Dittenhofer stated this project is ready to begin.

ATTORNEY'S REPORT

Lacey Overhead Door Site Plan - Mr. Connors stated his office reviewed correspondence from Authority's engineer regarding sanitary sewer and water applications.

Legal Opinions - Mr. Connors stated his office prepared and forwarded to the Executive Director the analysis of an important recent New Jersey Supreme Court case which impacts upon the bidding process. Mr. Connors briefly explained the case. Mr. Miklosey asked if this was done on the Authority's request. Mr. Connors stated he cannot answer that because Mr. Dasti prepared the letter. Mr. Knoeller stated he had asked Mr. Dasti to provide this information because there was one bidder that was contesting that he did not receive the bid. Mr. Miklosey stated he read the case and was unable to see where it would apply to the Authority. Mr. Connors pointed out although the facts may not be relevant to the LMUA, it stands for the proposition that at times bidders can request a waiver in exception to bid requirements and that does not automatically in and of itself deem the bid non-responsive. Mr. Miklosey stated none of the three bidders in the case qualified with what was disputed. Mr. Connors stated the one that had the actual bid award for the previous 10 years did. Mr. Woolf stated there was a case where the Authority awarded a bid not to the lowest bidder. He will research who this bidder was.

AUDITOR'S REPORT

Status Report – Month Ending July 31, 2014 - Mr. Holman reported user charges for sewer and water resulted in an unfavorable 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. Connection fees had an unfavorable variance on both water and sewer.

CORRESPONDENCE

Mr. & Mrs. Rosado, Laurel Blvd. - 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 \$355.30 (60,000 gallons). Roll call vote: Kennedy-Yes; Miklosey-Yes; Juliano-Yes; Masciale-Yes; Knoeller-Yes. Motion passed.

Mr. & Mrs. Marion, Clair Road - Requesting relief of utility bill, due to in ground pool 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 \$332.10 (50,000 gallons). Roll call vote: Kennedy-Yes; Miklosey-Yes; Juliano-Yes; Masciale-Yes; Knoeller-Yes. Motion passed.

Mr. & Mrs. Leonardis, Maunaloa Dr. - 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. Masciale to grant a credit adjustment on the sewer charges in the amount of \$309.84 (69,000 gallons). Roll call vote: Kennedy-Yes; Masciale-Yes; Juliano-Yes; Miklosey-Yes; Knoeller-Yes. Motion passed.

**OLD
BUSINESS**

Helen Zawistowski, Capstan Drive - Mr. Woolf stated LMUA field personnel inspected the crawl space of the property, which indicated the water conditioner was discharging into the crawl space in backwash mode. Therefore, he recommends granting relief on the sewer portion of the bill. A motion was made by Mr. Masciale and seconded by Mr. Miklosey to grant a credit adjustment on the sewer charges in the amount of \$5,983.55 (809,000 gallons). Roll call vote: Masciale-Yes; Miklosey-Yes; Juliano-Yes; Kennedy-Yes; Knoeller-Yes. Motion passed.

Resolution 2014-48 – Memorialize Action Taken on July 2, 2014 – Appointing Acacia Financial Group, Inc. as Financial Advisor – Secretary Kennedy executed Resolution 2014-48 memorializing action taken on August 6, 2014, appointing Acacia Financial Group, Inc. as Authority Financial Advisor.

**NEW
BUSINESS**

There was no new business to discuss.

**PUBLIC BUSINESS/
COMMENT**

Regina Discenza, Sunset Boulevard – Mrs. Discenza asked how did the Authority learn about Acacia Financial Group and what happened to the previous financial advisor. Mr. Woolf stated Acacia was the Authority's most recent financial advisor. Brown Advisory was the previous financial advisor, however, there was not a need for advisory services in 2014.

**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 and personnel matters.
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.

**Re-Open
Meeting**

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

Separate minutes were kept on the above closed session.

**Other
Business**

Troy Burton – A motion was made by Mr. Miklosey and seconded by Mr. Kennedy authorizing a salary increase to Troy Burton from \$60,000.00 to \$64,000.00. Roll call vote: Miklosey-Yes; Kennedy-Yes; Juliano-Yes; Masciale-Yes; Knoeller-Yes. Motion passed.

Bond Counsel - Mr. Nosti asked about the status of appointing Bond Counsel. Mr. Woolf stated he will make a recommendation at the October Board meeting.

Mr. Miklosey informed Mr. Dittenhofer that one of the vouchers submitted by his office was incorrect. Mr. Dittenhofer stated he is aware and it was corrected.

**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 \$971,357.54 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. Kennedy and seconded by Mr. Miklosey to adopt the above resolution. Roll call vote: Kennedy-Yes; Miklosey-Yes; Juliano-Yes, but abstains on Eastern Warehouse Distributors; Masciale-Yes; Knoeller-Yes. Motion passed.

ADJOURNMENT

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

Respectfully submitted,

Michele Kennedy
Executive Secretary

