

**LACEY MUNICIPAL UTILITIES AUTHORITY
REGULAR MEETING
DECEMBER 5, 2018**

Pledge of Allegiance

ROLL CALL

The Regular Meeting of the Lacey Municipal Utilities Authority was held on Wednesday, December 5, 2018 and was called to order at 6:30 p.m. by James Knoeller, Chairman. Other members present were Michael Masciale, Jack Nosti, Arthur Miklosey, Ralph Lanuto, Alan Baker, and Paul DeNicola. Also present were Jerry Dasti, attorney; Alan Dittenhofer, engineer; Brian Waldron, auditor; Deborah Kramer, office manager and Edward A. Woolf, executive director. Nick Juliano, Lacey MUA/Township Committee Liaison also attended the meeting.

**“SUNSHINE
LAW”
STATEMENT**

Mr. Knoeller read the following statement.

Notice of this 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 7, 2018 - A motion was made by Mr. Masciale and seconded by Mr. Miklosey to approve the minutes of the Regular Meeting of November 7, 2018. Roll call vote: Masciale-Yes; Miklosey-Yes; Lanuto-Yes; Nosti-Yes; Knoeller-Yes. Motion passed.

Closed Session Meeting of November 7, 2018 - A motion was made by Mr. Miklosey and seconded by Mr. Lanuto to approve the minutes of the Closed Session Meeting of November 7, 2018. Roll call vote: Miklosey-Yes; Lanuto-Yes; Nosti-Yes; Masciale-Yes; Knoeller-Yes. Motion passed.

**EXECUTIVE
DIRECTOR'S
REPORT**

Cash Balance Report - Period Ending October 31, 2018 - Mr. Woolf summarized the cash balances for period ending October 31, 2018 as follows: Total cash balance for the unrestricted accounts were \$9,690,225.88, with earnings of \$7,445.18. Total cash balance for the restricted accounts held by the trustee were \$5,649,072.92, with earnings of \$6,777.55. Current period interest on the restricted and unrestricted accounts was \$14,222.73. Year-to-date earnings on all interest bearing accounts were \$147,445.36.

Resolution 2018-76 – Sale of Personal Property – On recommendation by the executive director, a motion was made by Mr. Miklosey and seconded by Mr. Masciale to adopt *Resolution 2018-76, Resolution of the Lacey Municipal Utilities Authority, County of Ocean, State of New Jersey, Authorizing the sale of Personal Property Not Needed for Public Use*. Roll call vote: Miklosey-Yes; Masciale-Yes; Lanuto-Yes; Nosti-Yes; Knoeller-Yes. Motion passed.

Resolution 2018-77 – Jet-Vac Truck Operator - On recommendation by the executive director, a motion was made by Mr. Masciale and seconded by Mr. Miklosey to adopt *Resolution 2018-77, Resolution of the Lacey Municipal Utilities Authority, County of Ocean, State of New Jersey, Appointing Daniel Ballance to the Position of Jet-Vac Truck Operator*. Roll call vote: Masciale-Yes; Miklosey-Yes; Lanuto-Yes; Nosti-Yes; Knoeller-Yes. Motion passed.

BUSINESS REPORT

The business report was submitted for review.

ENGINEER'S REPORT

Resolution 2018-78 – Preliminary Sewer and Water Approvals – ALDI Grocery Store – Block 314.01, Lot 29.01 – Mr. Dittenhofer reported his office received the applications and plans for preliminary sewer and water approvals for ALDI Grocery Store, Block 314.01, Lot 29.01. The applicant is proposing to construct a 9,700 SF grocery store in an existing building at the Lacey Retail Center location. The applicant proposes to connect to the existing sewer by installing a new 4” sanitary sewer lateral to an existing cleanout and utilize the existing water lateral at the building. On recommendation by the Authority’s engineer, a motion was made by Mr. Nosti and seconded by Mr. Miklosey to adopt *Resolution No. 2018-78, Resolution of the Lacey Municipal Utilities Authority, County of Ocean, State of New Jersey, Preliminary Sewer and Water Approval, ALDI Grocery Store, Block 314.01, Lot 29.01*. Roll call vote: Nosti-Yes; Miklosey-Yes; Lanuto-Yes; Masciale-Yes; Knoeller-Yes. Motion passed.

Resolution 2018-74 – Performance Guarantee Release and Final Payment – Accept Maintenance Bond – SL Macintyre Underground, LLC. – On recommendation by the Authority’s engineer, a motion was made by Mr. Nosti and seconded by Mr. Miklosey to adopt *Resolution No. 2018-74, Resolution of the Lacey Municipal Utilities Authority, County of Ocean, State of New Jersey, Release of Performance Bond and Final Payment, Acceptance of Maintenance Bond, New Administration Building, SL Macintyre Underground, LLC*. Roll call vote: Nosti-Yes; Miklosey-Yes; Lanuto-Yes; Masciale-Yes; Knoeller-Yes. Motion passed.

Resolution 2018-75 – Maintenance Cash Bond Release – Hoyt Street and Patterson Avenue Road Improvements – On recommendation by the Authority’s engineer, a motion was made by Mr. Masciale and seconded by Mr. Miklosey to adopt *Resolution No. 2018-75, Resolution of the Lacey Municipal Utilities Authority, County of Ocean, State of New Jersey, Cash Maintenance Bond Release, Hoyt Street and Patterson Avenue Road Improvements, Block 1589, Various Lots*. Roll call vote: Masciale-Yes; Miklosey-Yes; Lanuto-Yes; Nosti-Yes; Knoeller-Yes. Motion passed.

New Administration Building – Mr. Dittenhofer stated the project is ongoing and substantially complete. The generator is anticipated to be installed in December. Mr. Nosti asked how the generators are fueled. Mr. Dittenhofer stated they are being fueled by natural gas.

ATTORNEY'S REPORT

Donation of Property from Lacey Township – Mr. Dasti stated his office has secured the original recorded Deed of Consolidation.

New Administration Building – Mr. Dasti stated his office reviewed correspondence from the Authority's consulting engineer concerning the progress of the construction.

Shared Services Agreement – Mr. Dasti stated his office reviewed the Agreement entered into by and between the Township and the Lacey MUA concerning a water line extension.

Personnel Issues – Mr. Dasti stated his office forwarded a Rice Notice to an employee of the Authority, Troy Burton, and Mr. Burton has requested to have this personnel issue be discussed in open session. Mr. Dasti explained an anonymous letter disparaging Mr. Burton was sent to the Board of Commissioners. He recommends this letter be disregarded and no action be taken against Mr. Burton. In addition, the anonymous letter should not be filed in his personnel file. Mr. Nosti pointed out Mr. Woolf was also mentioned in the letter. He stated he is concerned considering some of the things written in the letter was of a personal nature, which he feels the average person would not be aware of. He stated that both Mr. Woolf and Mr. Burton are outstanding employees. Mr. Masciale added that anyone that does not sign a letter it is not worth reading.

Mr. Burton addressed the Board stating he takes pride in his work and is a very hard worker. He treats everyone the way he would like to be treated, and having a letter written like that is very hurtful. The individual who wrote the letter has some kind of issue, and does not think it is necessarily a field employee. The letter could have come from anyone. Mr. Dasti stated the record should reflect there is a signed statement by ten employees in response to the letter which states, *"To whom it may concern, the undersigned employees of the LMUA acknowledge and agree they have not felt nor has there been poor or unfair treatment to anyone in the workplace by operations supervisor, Troy Burton and executive director, Ed Woolf"*.

Mr. DeNicola asked what steps should be taken should the Board receive anonymous letters in the future. Mr. Dykoff stated there is no credence to anonymous letters. From a Township standpoint anonymous letters are never discussed. Mr. Nosti recommended to disregard all future anonymous letters. A motion was made by Mr. Nosti and seconded by Mr. Miklosey to disregard all future anonymous letters. Roll call vote: Nosti-Yes; Miklosey-Yes; Lanuto-Yes; Masciale-Yes; Knoeller-Yes. Motion passed.

AUDITOR'S REPORT

Accountant's Status Report – Month Ended October 31, 2018 – Mr. Waldron reported sewer revenues had an unfavorable variance for the month, but favorable year-to-date. Water revenues had a favorable variance for the month and year-to date. Sewer and water expenses had a favorable variance for the month and year to date.

Sewer and water user charges had an unfavorable variance for the month and year-to-date.

Resolution 2018-72 – Approve Amendment to Operating Budget – Secretary Nosti executed Resolution 2018-72, Amending the 2019 Operating Budget.

Resolution 2018-73– Adopt 2019 Operating Budget – Secretary Nosti executed Resolution 2018-73, Adopting 2019 Operating Budget.

CORRESPONDENCE

Andrew Papa, Confier Drive – Requesting relief of utility bill, due to broken pipe in crawl space. Since the water from the leak did not go into the sewer system, a motion was made by Mr. Nosti and seconded by Mr. Masciale to grant a credit adjustment on the sewer charges in the amount of \$2,267.75 (206,000 gallons) as well as a payment plan. Roll call vote: Nosti-Yes; Masciale-Yes; Lanuto-Yes; Miklosey-Yes; Knoeller-Yes. Motion passed.

Mark Dykoff, Normandie Drive – Requesting relief of utility bill, due to leaky pipe under house. Since the water from the leak did not go into the sewer system, a motion was made by Mr. Nosti and seconded by Mr. Lanuto to grant a credit adjustment on the sewer charges in the amount of \$899.70 (127,000 gallons). Roll call vote: Nosti-Yes; Lanuto-Yes; Miklosey-Yes; Masciale-Yes; Knoeller-Yes. Motion passed.

Nicole Kutassy, Merrimac Road – Requesting relief of utility bill, due to leaky pipe in bathroom. Since the water from the leak did not go into the sewer system, a motion was made by Mr. Masciale and seconded by Mr. Miklosey to grant a one-time credit adjustment on the sewer charges in the amount of \$342.60 (106,000 gallons). Roll call vote: Masciale-Yes; Miklosey-Yes; Lanuto-Yes; Nosti-Yes; Knoeller-Yes. Motion passed.

Jack Ross, Hickory Drive – Requesting relief of utility bill, due to broken pipe at dock. Since the water from the leak did not go into the sewer system, a motion was made by Mr. Masciale and seconded by Mr. Nosti to grant a credit adjustment on the sewer charges in the amount of \$502.22 (89,000 gallons). Roll call vote: Masciale-Yes; Nosti-Yes; Lanuto-Yes; Miklosey-Yes; Knoeller-Yes. Motion passed.

Eugene Stuchinsky, Stephanie Ct. – Requesting relief of utility bill, due to high usage. Mr. Woolf stated the customer's water meter was tested and the results indicated the meter was measuring less water than what was actually flowing. Therefore, the meter reading was in the customer's favor. Also, it was discovered that a second story toilet was running. Based upon the information provided, a waiver of the service charges could not be supported.

OLD BUSINESS

There was no old business to discuss.

NEW BUSINESS

There was no new business to discuss.

**PUBLIC
COMMENT**

John Parker was present to suggest the LMUA attorney and the Township's attorney have a meeting to get a specific matter rectified. He stated he and a group of other residents care about Lacey Township and would like to see this matter resolved as soon as possible. Mr. Parker told Mr. Knoeller that tonight's hearing should have been handled by Mr. Masciale due to a conflict of interest. Mr. Parker recommended that Mr. Dasti write an opinion letter to the Authority on who is in conflict and who is not. Mr. Dasti stated he only writes opinion letters when the Authority directs him to do so. Mr. Parker again stressed that the matter get resolved.

**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 \$476,548.08, be and the 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; Lanuto-Yes; Nosti-Yes; Knoeller-Yes. Motion passed.

Mrs. Kramer asked that the January 2nd board meeting be moved to January 9, 2019. A motion was made by Mr. Nosti and seconded by Mr. Miklosey to move the January 2nd meeting to January 9, 2019. Roll call vote: Nosti-Yes; Miklosey-Yes; Lanuto-Yes; Masciale-Yes; Knoeller-Yes. Motion passed.

**OTHER
BUSINESS**

Mr. Nosti indicated to Mr. Dasti that he asked for legal opinions and as of today he has not received them. Mr. Dasti told Mr. Nosti that he verbally gave him a legal opinion. He explained that Mr. Nosti asked him a few months ago if he thought it was appropriate that the members meet up socially after the Board meeting at the old Southwinds restaurant, because the chairman has an interest. Mr. Dasti informed him he did not think the members should not go there every time. Mr. Knoeller stated he is an unpaid advisor at the restaurant adding the Authority members can go anywhere they want after a Board meeting. Mr. Dasti pointed out there are no "meetings" after the Board meeting. It is of a social nature.

ADJOURNMENT There being no further business to discuss, the meeting was adjourned at 7:15 p.m.

Respectfully submitted,

Michele Kennedy
Executive Secretary