

February 22, 2007

Chairman Allmann called the meeting to order.

Flag Salute

Administrative Assistant read the following statement: "My name is Joan Haltigan, Administrative Assistant of the Jackson Township Municipal Utilities Authority. It is 5:30 p.m. and we will commence with the public portion of the regular scheduled Public Meeting of February 22, 2007."

Chairman Allmann requested a roll call.

The February 22, 2007 Public Meeting of the Jackson Township Municipal Utilities Authority was called to order at 5:30 P.M. Present were Members Blake, Borys, Rickabaugh and Chairman Allmann, Alternate Member Garofano along with the Business Administrator, James Diaz, Administrative Assistant, Joan Haltigan, Executive Director, David Harpell and Principal Engineer, Peter Canal. Also in attendance were Authority Engineer, Alan Dittenhofer, and Authority Counsel, William Hierung. Member Clayton and Alternate Member Lundy were absent.

Mr. Allmann indicated that Member Clayton was detained in Florida and this should be considered an excused absence.

Mr. Allmann noted that Mr. Lundy was to be the Alternate Voting Member this evening and in his absence, Mr. Charles Garofano will be the Alternate Voting Member.

Administrative Assistant stated that this meeting was in compliance with the provisions of the "Open Public Meetings Act," with adequate notice of the Public Meeting having been advertised in the manner prescribed by law, and that this statement would be entered in the Minutes of this meeting.

1. Approval of the Minutes of the Open Session Public Meeting of January 25, 2007

Mr. Borys made a motion to approve the minutes of January 25, 2007 based on email received from Administrative Assistant with corrections. Mrs. Blake seconded the motion and was passed unanimously. Mrs. Rickabaugh abstained.

2. Approval of the Minutes of the Closed Session Public Meeting of January 25, 2007

Mr. Borys made a motion to approve the minutes of January 25, 2007. Mrs. Blake seconded the motion and was passed unanimously. Mrs. Rickabaugh abstained.

3. Approval of the Minutes of the Open Session Reorganization Meeting of February 1, 2007

Mr. Borys made a motion to approve the minutes of February 1, 2007. Mrs. Blake seconded the motion and it was passed unanimously. Mrs. Rickabaugh abstained.

4. Questions / Comments from the Public

Chairman Allmann opened the floor to the public.

At this time, Mr. Charles Monjoy, representing Block 84.01, Lot 23 known as Jackson Colonial Arms stated his concerns regarding connection fees. Mr. Monjoy has written a letter requesting a meeting and had communicated several times with the Engineering Department. Mr. Monjoy commented on how courteous Engineering had been when going over rate structures and hook-up costs. Mr. Monjoy stated this was a severe financial hardship for Colonial Arms, which is a not-for-profit organization. Mr. Monjoy has spoken to the Township Business Administrator sometime ago regarding financial assistance from the Township. The Administrator felt it would be improper to assist one particular apartment complex. In speaking to one of the Township Committee Members it was recommended that Mr. Monjoy attend a JTMUA Public Meeting and speak directly with the Board.

Mr. Monjoy discussed commercial property on Route 9 in Lacey Township. When acquired about 9 years ago, it was not hooked up to the MUA. He requested the information necessary, got a plumbing contractor, did legal hook-up for a permit cost of \$1,500.00, which at the time thought was exorbitant. Mr. Monjoy continued to discuss the hardship these connection fees would be to his tenants who are on a limited income. Their present water supply is a community water supply licensed by the state and operated by Mr. Monjoy's daughter who is a licensed operator. The figure received from the Jackson MUA for permit was \$28,500.00+. The federal government controls the rent and Colonial Arms has not had a rent increase in over 10 years and will not be allowed a rent increase to deal with the MUA. It was stated that all were initially anxious for the public water being accessible since there had been some well problems over the years along with testing and lab costs. Total costs on a yearly basis are approximately \$4,000.00. Colonial Arms cannot afford thirty, forty, fifty thousand to hook up and a yearly fee of \$20-25,000.00. In discussions with the Township, Mr. Monjoy was advised that there might be consideration relating to an amendment to the ordinance, where payment of costs related to hook up might be paid over several years. The question was then raised to the Board as to how many public or community water suppliers are along this particular trunk line that are operated by a licensed operator. If there were one or two, would the MUA Board oppose a waiver by the Township Committee to not force public or community water suppliers to hook up to your trunk line, unless they are doing an upgrade or there is a need?

Mr. Monjoy stated that they have complied with whatever the state required with public water. We do the same tests you do and the same monitoring. It is just that we do not have the cash to hook up to your system because we have no place to pass those costs on. All of our tenants are limited income, either senior limited income or disabled. The Township Committee seems relatively responsive to not being a hardship on the tenants that exist. Many of them are like family and have been with me for 25-30 years. Mr. Monjoy stated he is seeking guidance and input so that he might work with the MUA and the Township Committee to resolve this. It was decided that Mr. Monjoy would reissue the referenced letter to Board. Mr. Allmann requested that he and the Board members have some time in the next week to review with the new Executive Director and will bring this issue back for discussion. The MUA can also look into an estimate as to how many public or community water suppliers on the referenced trunk line.

Mr. Canal responded that the MUA could find out. Mr. Monjoy thanked the Board and again stated how cooperative the Engineering Dept has been. He knows the rates are approved and are passing the costs. Mr. Allmann explained that the MUA has spent 2 million dollars for a water line and nobody is hooked up to it. In order to pay for it we need to put ratepayers on there. We are just following through the ordinance.

With no other questions from the public. Mr. Allmann requested a motion to close to public. Mrs. Rickabaugh made a motion to close the public portion. Mr. Borys seconded the motion and it was passed unanimously.

5. Review of Executive Director's Report
 Engineering Committee Report
 Public Relations Committee Report
 Administrative Committee Report

Mr. Diaz discussed the following items on the Executive Director's Report:

- Mr. Diaz stated that everyone has received the updated Committee Meeting Schedule. Mr. Allmann stated the March 29th Public Meeting would have to begin an hour earlier due the fact there is another function most of the Board Members will be attending. It was noted that the JTMUA will advertise that the March 29th Public Meeting will begin at 4:30 p.m.
- The MUAA Dinner Invitations were distributed this evening. Any Commissioners wishing to attend please notify this office as soon as possible. It is March 8th, @ 6:30 at the Captain's Inn. Mr. Diaz noted that this is a quarterly function and is very informative.
- Mr. Diaz stated that everyone received a copy of the Asbury Park Press article regarding our new Executive Director.
- Mr. Diaz spoke regarding the elected officials training that will allow the MUA a \$250.00 credit per public official. Mr. Diaz will arrange an in-house session for Mrs. Rickabaugh and Mr. Borys who have not yet attended a training seminar. Mr. Diaz will look to schedule training an hour to ½ hour prior to the March 29th Public Meeting and will follow-up with the Commissioners when confirmed. It was also noted that there is another seminar scheduled in Atlantic Highlands, if interested.

Mr. Diaz discussed the following items discussed at the Administrative Committee Meeting.

- JTMUA Mission Statement. Mr. Diaz discussed the present prototype, which the Administrative Committee is presently reviewing for changes. The final version will be presented to the Board in the upcoming months. The final statement will ultimately be incorporated into the JTMUA Employee Handbook.
- JTMUA Organizational Chart. Mr. Diaz spoke regarding the present organizational chart, which the Administrative Committee is in the process of revising. This will work in conjunction with the Personnel Committee on the present staffing needs as well as

future needs. A final version will be presented to the Board. Once approved, it will be incorporated into the JTMUA Employee Handbook.

- JTMUA Employee Handbook. Mr. Diaz is reviewing the present handbook to insure everything is up to date. When final, the Administrative Committee will present to the Board for formal approval.

Mr. Diaz stated there was no Public Relations Committee Meeting this month.

Engineering Committee Report

Mr. Allmann stated that the Engineering Committee met and discussed all items in depth.

Mr. Canal discussed the Engineering Committee Report. The following items were discussed at the Engineers Committee Meeting on February 21, 2007 for action tonight:

Capital Projects

Rehabilitation of Wells 1, 3, 13 & 15, Contract No. C7-00012 -Award Contract to Uni-Tech Drilling Co., Inc., in the amount of \$289,900.00 subject to some legal issues the Authority's Attorney will work out with the contractor. Three bids were received on January 30, 2007 ranging in price from \$289,900.00 to \$431,815.00. The low bidder was Uni-Tech Drilling Co., Inc. Their bid was in order but there was an outstanding issue with Well #15 which was previously drilled by them. Mr. Canal stated that a representative from Uni-Tech was present this evening, Mr. John Cagnassola, V.P., and that a settlement agreement has been reached as far as the Well #15 repair. Uni-Tech will redevelop the well and the JTMUA will pay for the gravel and pump repairs. The Authority is also recommending hiring Demicco and Associates to be on-sight during all the redevelopment process for Well 15. They will be televising as part of contract. Mr. Hiering stated that this would all be in writing and will follow-up with a change order for the redevelopment portion only. Mr. Allmann confirmed that from legal and engineering aspect we are comfortable with this process.

SCADA System and Control/Instrumentation Improvements – Phase 3, Contract No. C6-00157 – Rejection of ALL bids. Two bids were received ranging from a low of \$1,371,000.00 to high of \$1,506,000.00, both prices exceeded the engineering budgeted amount and engineering estimate. We are recommending bid rejection and reevaluate the costs and needs of the projects. We have requested an amendment from Montgomery Watson Harza to evaluate the options of going to another manufacturer.

Developer Projects

Green Hills Farm, Block 130.01, Lots 23 and 28 – Back on December 21,2006 we released the developers performance bond under Resolution No. 2006-282. After inspection it was discovered that the developer did not properly maintain the pump station. The generator and pumps had failed and there is a leak in the wet well. We are rescinding the approval based on the fact that all conditions of that release were not met including payment of escrow. The Authority would like to rescind and go after developer to repair that pump station. Mr. Allmann confirmed that legal counsel had been advised.

Jackson Crossing Development, Block 58.01, Lot 1 – Resolution to authorize the execution of a Developers Agreement with Cardinale & Jackson Crossing Associates, LLC, subject to review and approval by the Authority’s legal counsel. Mr. Allmann stated they worked long and hard to iron out this agreement and commend Mr. Canal on accomplishing this.

Jackson Valley Development, Block 6, Lot 4.04, Block 7, Lots 13, 28.01, 35, 47, 48 & 49, - Resolution Authorizing the execution of various NJ State permits, subject to the Authority’s in-house engineer’s approval. Mr. Allmann stated the reason was that the developer wanted to move forward and we have advised our engineering staff to move forward as long as we have the proper documentation. The tentative approval resolution will be presented at a future Public Meeting.

The last item for discussion was an update on the New Jersey Pinelands 2007 Grant withdrawal for the Whitesville Pump Station. The Developers schedule for the Pump Station construction was ahead of the Grant Process schedule, therefore, the State withdrew this application for the 2007 Grant Program. The MUA will evaluate other possible options for the 2008 Grant Program. Mr. Allmann stated they were very excited to give us the grant money but the timeframe did not work out with the MUA’s time schedule with the contractor.

With no questions, Mr. Canal concluded the Engineering Report.

Mr. Alan Dittenhofer of Remington, Vernick & Vena Engineers discussed the following three development applications for this evening and requesting approval from the Board.

Cooks Bridge Plaza, Block 113, Lots 20, 22.01 and 22.02. The applicant is proposing to construct three individual buildings for a commercial site shopping area of 54,339 sq ft at the intersection of Bennetts Mills Road and Cooks Road. The applicant is applying for tentative and final approval at this time and will connect to the Authority’s existing system. We recommended tentative approval as per our February 12, 2007 letter to the Board; however, there were some conditions with regards to that recommendation. We recommended a developers agreement being finalized which addresses the developers fair share contribution for the water main along the frontage and the Authority’s fair share of the sewer extension across Bennetts Mills Road.

Metedeconk National Golf Course, Block 147.01, Lots 1.01-1.05, 4 & 4.01 which is a major subdivision. The applicant is proposing to construct a major subdivision consisting of eight residential units on the eastern side of Cedar Swamp Road. This is a request for preliminary utility services. We recommend that this approval be granted in our 2/12/07 letter to the Board.

Sunrise Assisted Living, Block 145.01, Lot 33.05. This is a final sewer and water approval. The applicant Sunrise Development is proposing to construct three single-family story buildings consisting of 75 residential units on the north side of County Line Road west of Harmony Road. The applicant will connect to an existing system in the area and we recommended that this approval be granted by the Board in our letter dated February 12, 2007.

Mr. Dittenhofer noted that the applications on the agenda this evening are on the map if there are any questions. One informational item to discuss, the water allocation permit modification.

We did check with the New Jersey Geological Survey regarding the test well waiver requirement requested for the water allocation permit and they indicated that a test will not be required and that well waiver will be granted. The next step would be the issuance of a draft staff report then will go into a thirty-day public comment period. The permit is then typically issued in two to four weeks. Mr. Dittenhofer anticipated having permit in hand, providing no issues with objectors to the issuing of the permit, by May. This will work due to the fact that last year, peak days were at the end of July and August.

6. Business Administrator's Report
Finance Committee Report
Personnel Committee

Mr. Diaz stated we have the appointment of Bond Counsel on the agenda this evening, which was held from the Reorganization Meeting. If there are no objections we will proceed with the resolution appointing McManimon & Scotland.

Mr. Diaz stated that the Finance Committee met on Wednesday, February 21, 2007, discussing and recommending approval of items on agenda this evening, as well as the Total Voucher list amount submitted this evening in the amount of \$1,739,827.79, with the funds being drawn against the following accounts:

1. Capital Reserve Fund in the amount of \$651,196.11 for capital projects;
2. Construction Fund in the amount of \$432.00 for bond projects;
3. Escrow Funds in the amount of \$5,563.35 for developer work;
4. Customer Deposit in the amount of \$12,862.50 for deposit refund;
5. Revenue General Fund in the amount of \$1,069,773.83 for operating expenses.

Mr. Diaz stated that the total operating expenses of \$1,069,773.83 includes \$150,000.00 for funding the Payroll account and \$703,600.00 for 1st quarter OCUA installment.

Mr. Diaz discussed the two capital purchases, which have both been recommended.

1. Executive Computer System for Microsoft Exchange Server 2003-7. This is software needed to better run our system. The amount is not to exceed the amount of \$3,995.00, which includes the software, 25 user licenses, installation on the server and installation on individual computers as well as training.
2. Edmunds application software for converting the Block and Lots to reflect the Township changes. We received a quote from Edmunds for \$2,500.00, which we are recommending approval for this process.

Personnel

The Personnel Committee met this evening and discussed the following: This is not on the agenda this evening but for the Board's information only.

Mr. Diaz discussed an open lower level labor position and would like to interview and hire before the next Public Meeting. If there are no objections, we presently have two applicants that we would like to consider.

The next item discussed was the position of Assistant Superintendent. We are looking to develop this new position.

The third item is dealing with a vacant Sewer Repair/Water Repair Operator. One of our long time employees has left who was with the Authority for 17 years. We have in-house people interested in this first shift position, which will open either a second or third shift position. Mr. Diaz would like to go ahead with advertising, interviewing and hiring prior to the next meeting with the Board's permission.

The last item discussed is a long time position, Account Clerk Typist. We have been working on this for a year. We are trying to get a list from civil service and Mr. Diaz is asking permission, when list is received, to go ahead with interviewing and hire prior to the next Public Meeting.

If all of the above positions were hired, they would be ratified at the next Public Meeting. Mr. Diaz stated that the Personnel Committee would be advised of any hiring prior to that meeting.

At this time, Mr. Allmann entertained a motion to accept all the reports discussed this evening from all the Committees. Mrs. Blake made a motion to approve. Mr. Borys seconded the motion and it was pass unanimously.

7. Consent Resolutions 2007-45 to 2007-51:

- 2007-45 Resolution Ratifying Cash Management Report for January 2007
- 2007-46 Resolution Granting Preliminary Sewer & Water Approval to Metedeconk National Golf Club, Block 147.01, Lots 1.01-1.05, 4 & 4.01 on the Tax Map of the Township of Jackson.
- 2007-47 Resolution Rescinding a Performance Bond Release to M. Reider Companies for Green Hills Farm, Block 130.01, Lots 23 and 28 on the Tax Map of the Township of Jackson.
- 2007-48 Resolution Granting Tentative Sewer & Water Approval to Cooks Bridge Plaza, Block 113, Lots 20, 22.01 and 22.02 on the Tax Map of the Township of Jackson
- 2007-49 Resolution Granting Final Sewer & Water Approval to Sunrise Assisted Living Block 145.01, Lot 33.05 on the Tax Map of the Township of Jackson.
- 2007-50 Resolution Authorizing Execution of Developer's Agreement with Cardinale & Jackson Crossings Associates, LLC for Jackson Crossings, Block 58.01, Lot 1, on the Tax Map of the Township of Jackson.
- 2007-51 Resolution Authorizing Execution of State Permits for Jackson Valley, Block 6, Lot 4.04, Block 7, Lots 13, 28.01, 35, 47, 48 & 49 on the Tax Map of the Township of Jackson.

Mr. Borys made a motion to approve Resolutions 2007-45 through 2007-51. Mrs. Blake seconded the motion and it was passed unanimously.

2007-52 Resolution Authorizing Appointment of Bond Counsel – McManimon & Scotland.

Mrs. Blake made a motion to approve Resolution 2007-52. Mr. Borys seconded the motion and it was passed unanimously.

7. Resolutions Offered:

2007-53 Resolution Authorizing Payment of Vouchers, Deposit Refunds & Payroll

Mrs. Rickabaugh made a motion to approve Resolution 2007-53. Mr. Borys seconded the motion and it was passed unanimously

2007-54 Resolution Authorizing Rejection of Bids Received for SCADA System and Control/Instrumentation Improvements – Phase 3, Contract No. C6-00157.

Mrs. Blake made a motion to approve Resolution 2007-54. Mr. Borys seconded the motion and it was passed unanimously.

2007-55 Resolution Awarding the Rehabilitation of Wells No. 1, 3, 13 & 15, Contract No. C7-00012 to Uni-Tech Drilling Company, Inc. in the amount of \$289,900.00.

Mrs. Rickabaugh made a motion to approve Resolution 2007-55. Mr. Borys seconded the motion and it was passed unanimously.

2007-56 Resolution Approving Purchase and Installation of Software from Executive Computer Systems in an amount not to exceed \$3,995.00.

Mrs. Blake made a motion to approve Resolution 2007-56. Mrs. Rickabaugh seconded the motion and it was passed unanimously.

2007-57 Resolution Approving Application Software Proposal of \$2,500.00 from Edmunds for the Tax Map Conversion of All Block and Lot Changes in The Township of Jackson.

Mrs. Blake made a motion to approve Resolution 2007-57. Mr. Garofano seconded the motion and it was passed unanimously.

2007-58 Closed a) Closed Statement
b) Back to Open – Opening Statement & Roll Call

Mrs. Blake made a motion to approve Resolution 2007-58. Mrs. Rickabaugh seconded the motion and it was passed unanimously.

At this time, the Board Members discussed going into closed session. The topic of discussion in closed session would be the process in which the residents/ratepayers request information from the MUA. Since this discussion did not involve personnel or contracts, the Board debated whether it should be a closed session. It was decided to go to closed session and at that time since the Board would be seeking legal advise concerning this subject

At 6:09 p.m., Mr. Allmann requested a motion to go into closed session. Mr. Borys made a motion to go to closed session under Resolution No. 2007-58. Mr. Garofano seconded the motion, and it was passed unanimously.

Based on a motion made in closed session, the Administrative Assistant stated that it was approximately 6:15 p.m., and that we would continue with the public portion of the regular scheduled meeting of the Open Session of the February 22, 2007 Public Meeting.

Based on discussion in closed session, the Board will review the policies for the Open Public Records Act. A policy will be put in place and the Authority will adhere to it.

8. Other Matters

With no further matters to discuss, Mrs. Rickabaugh made a motion to adjourn. Mr. Borys. seconded the motion and it was unanimously passed. Chairman Allmann declared the February 22, 2007 Public Meeting adjourned.

End of Minutes

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