

The regular meeting of the Eatontown Sewerage Authority was held at 5:00 P.M. on November 9, 2021 in the Borough Hall, 47 Broad Street, Eatontown, New Jersey. The Chairman, Brian Charnick, called the meeting to order by making the following statement: "This is a regular meeting of the Eatontown Sewerage Authority made pursuant to Chapter 291 of the Public Meeting Act by declaring notice thereof at least 48 hours prior to this meeting to The Link News and to the Borough Clerk. Notice has also been posted in the public corridor of this Borough Hall and posted to the Authority website."

## **ROLL CALL**

MEMBERS PRESENT: Brian Charnick  
Herman Redd  
Peter Berkley  
Jeanna Migliaccio  
Kenneth East

ALSO PRESENT: Ted Lewis, Executive Director  
Stephen Schreiber, Engineer  
John Bonello, Attorney  
Robert Oliwa, Auditor  
Stephen Colville, Auditor  
Herb Volner, Superintendent  
Michelle Hu, Treasurer  
Gloria Aderton, Assistant Treasurer  
Lori Flynn, Office Clerk

MEMBERS ABSENT: None

ALSO ABSENT: None

CITIZENS PRESENT: None

## **APPROVAL OF MINUTES**

Mr. Charnick moved to approve the minutes of the regular meeting held on October 12, 2021. The motion was seconded by Mr. Redd and adopted on a unanimous voice vote.

***Mr. Charnick moved to present the 2020 audit at this point rather than waiting until the New Business portion of the meeting. There were no objections.***

- **Presentation of 2020 Audit**

Mr. Colvell presented the 2020 audit, noting these highlights:

- The Authority had a healthy gain of \$655,000, driven largely in part by decreases in expenses.
- The main driver in increase between 2019 and 2020 unrestricted cash was a decrease in TRWRA bills, which accounted for approximately \$76,000.
- The State of New Jersey did an actuarial recalculation of pension expenses which resulted in a \$42,000 reduction in liability.
- Overall, the books and records were in very good shape with minimal journal entries.

- **Resolution #2021-11-01: Group Affidavit for 2020 Audit**

***Mr. Charnick offered a Resolution approving signing the Group Affidavit for the 2020 Audit for the Authority. The resolution was seconded by Mr. Redd and adopted on the following roll call vote:***

ROLL CALL

AFFIRMATIVE: Brian Charnick, Herman Redd, Peter Berkley, Jeanna Migliaccio, and Kenneth East

NEGATIVE: None

ABSTENTION: None

ABSENT: None

- **Resolution #2021-11-02: Approving the 2020 Audit**

***Mr. Charnick offered a Resolution approving the 2020 Audit for the Authority. The resolution was seconded by Mr. Redd and adopted on the following roll call vote:***

ROLL CALL

AFFIRMATIVE: Brian Charnick, Herman Redd, Peter Berkley, Jeanna Migliaccio, and Kenneth East

NEGATIVE: None

ABSTENTION: None

ABSENT: None

- **Introduction of 2022 Budget**

The 2022 budget is down from last year by about \$40,000 (1%) and is funded primarily by sewer service revenue (88%) and surplus amounts (10%). Residential fees account for 72% of the service revenue while commercial fees account for 24%. The largest expense, sewage treatment by Two Rivers Water Reclamation Authority, has a budgeted amount of \$2.1M.

***Mr. Charnick offered a Resolution approving the introduction of the 2022 budget for the Authority. The resolution was seconded by Mr. Redd and adopted on the following roll call vote:***

ROLL CALL

AFFIRMATIVE: Brian Charnick, Herman Redd, Peter Berkley, Jeanna Migliaccio, and Kenneth East

NEGATIVE: None

ABSTENTION: None

ABSENT: None

- **Resolution Approving 2022 Budget for State Review**

The Authority will submit the budget as introduced to the state for review.

***Mr. Charnick offered a Resolution to approve the Authority's 2022 budget for state review. The resolution was seconded by Mr. Redd and adopted on the following roll call vote:***

ROLL CALL

AFFIRMATIVE: Brian Charnick, Herman Redd, Peter Berkley, Jeanna Migliaccio, and Kenneth East

NEGATIVE: None

ABSTENTION: None

ABSENT: None

- **Resolution #2021-11-03: Setting Forth Reasons for Delay in Approving 2022 Budget**

***The Authority's auditor prepared a resolution outlining the reasons for the delay in approving the 2022 budget. Mr. Charnick offered a Resolution which set forth the reasons for the delay in approving the Authority's 2022 budget. The resolution was seconded by Mr. Redd and adopted on the following roll call vote:***

ROLL CALL

AFFIRMATIVE: Brian Charnick, Herman Redd, Peter Berkley, Jeanna Migliaccio, and Kenneth East

NEGATIVE: None

ABSTENTION: None

ABSENT: None

**REPORTS OF COMMITTEES, MEMBERS, & ENGINEER**

**Engineering Committee**

There was no committee report.

**Executive Director's Report \***

Mr. Lewis presented the Executive Director's report with the following additions:

- **FMERA**

Mr. Lewis noted that he received the proposal from FMERA regarding using T&M to design sewer infrastructure earlier this afternoon. Mr. Bonello recommended that the contract include the language that it is subject to the grant funding from FMERA so that the Authority will not be liable if the grant funding becomes interrupted or terminated.

*Mr. Charnick offered a Resolution that the Authority enter into the agreement as submitted with the contingency that the Authority would not be liable if the grant funding terminates. The resolution was seconded by Mr. Redd and adopted on the following roll call vote:*

ROLL CALL

AFFIRMATIVE: Brian Charnick, Herman Redd, Peter Berkley, Jeanna Migliaccio, and Kenneth East

NEGATIVE: None

ABSTENTION: None

ABSENT: None

- **Old Orchard Pump Station**

The owners of Old Orchard are claiming that they will lose a buildable lot to the new pump station and are trying to adjust the value of the easement accordingly. Mr. Bonello noted that the loss of a lot is theoretical and, based on the current zoning and the zoning parameters the owners hope to use, highly unlikely to actually happen but will eventually be decided through the litigation process.

**Superintendent's Report \***

Mr. Volner presented the Superintendent's report with no additions, although it was noted that they are still down to two staff members while one is out on medical disability.

**Attorney's Report**

Mr. Bonello presented the Attorney's report with no additions.

**Engineer's Report \***

Mr. Schreiber presented the Engineer's report with no additions.

**PROGRESS OF PROJECTS**

- **Old Orchard Pump Station Replacement**

Status as noted previously in Executive Director's report.

## **UNFINISHED BUSINESS**

- **75 Tinton Avenue Emergency Lateral Repair**

Status as noted previously in Attorney's report.

- **Sun Eagles Golf Club Sewer Application – Supplemental Service Agreement**

Status as noted previously in Executive Director's report.

- **Granting a waiver from the 1,000-gallon Sand and Oil Separator Requirement to Tesla**

Mr. Schreiber does not yet have an answer from Tesla to the questions T&M had regarding the proposed separator, aside from them asking for the Board's meeting schedule.

- **Old Orchard Pump Station Proposal for Contract Administration and Construction Inspection Service**

As noted in the Executive Director's report, T&M did reduce the proposal by \$5,000 to \$77,950. Mr. Schreiber noted that the pump station is a TWA permitted project and will require certain levels of certification so he was reluctant to reduce the inspection hours further.

- **Proposal for Professional Services for Sewer Improvement Projects within the Eatontown section of Fort Monmouth**

Status as noted previously in Executive Director's report.

- **By-laws of the Eatontown Sewerage Authority**

The by-laws as presented are generally acceptable with the addition of specifying that members are elected for five year terms, detailing the mechanism by which members rotate through the positions, and the addition of a mission statement.

***Mr. Charnick offered a Resolution to adopt the by-laws as presented. The resolution was seconded by Mr. Redd and adopted on the following roll call vote:***

### **ROLL CALL**

AFFIRMATIVE: Brian Charnick, Herman Redd, Peter Berkley, Jeanna Migliaccio, and Kenneth East  
NEGATIVE: None  
ABSTENTION: None  
ABSENT: None

- **ESA Project Status Review**

- Cyber-attack prevention/recovery plan (TRWRA) – tabled due to Borough take over
- Asset Mgt. Plan (visit SMRSA) – T&M will locate prior proposal done by Mrs. Ballard
- RIM replacement plan – tabled due to Borough take over
- File scanning project – Ongoing, will provide updates each meeting
- Office upgrades-new server – Completed
- Two Rivers capital projects progress/budget impacts – Mr. Charnick recommended keeping an eye on the bills and possibly attending their meetings

- Capital project plan-I&I –Mr. Caviglia (former board member) used to recommend spending a portion of the capital budget on proactive repairs; Mr. Lewis noted there is no room in the capital budget this year due to the Old Orchard replacement and the intention to upgrade the last two diesel generators to natural gas. Mr. Charnick asked if there was a long-range plan to complete the balance of the issues that were discovered during the study from several years ago.
- Personnel succession plan - Mr. Lewis said that they are working on getting the maintenance staff certified so they can step up if/when Mr. Volner retires.
- FMERA planning/issues/subsidies? Mr. East volunteered to take the lead on working with FMERA for future plans at Fort Monmouth, Mr. Berkley offered his assistance
- Strategic Planning-revenue/expense trends – Work with auditor to plan for rate increases based on trends
- Workload trends-personnel utilization and Salary/Overtime reviews – Mr. Charnick requested that overtime hours be included in future reports

## **NEW BUSINESS**

- **Presentation of 2020 Audit**

Previously addressed.

- **Resolution #2021-11-01: Group Affidavit for 2020 Audit**

Previously addressed.

- **Resolution #2021-11-02: Approving the 2020 Audit**

Previously addressed.

- **Introduction of 2022 Budget**

Previously addressed.

- **Resolution Approving 2022 Budget for State Review**

Previously addressed.

- **Resolution #2021-11-03: Setting Forth Reasons for Delay in Approving 2022 Budget**

Previously addressed.

- **Resolution #2021-11-04: Approving the Application of Fidelity Eatontown, LLC for the Wendy's project, 141 Highway 35, Block 2303, Lot 1**

*Mr. Charnick offered a Resolution to approve the application of Fidelity Eatontown, LLC for the Wendy's project, 141 Highway 35, Block 2303, Lot 1. The resolution was seconded by Mr. Redd and adopted on the following roll call vote:*

## **ROLL CALL**

**AFFIRMATIVE:** Brian Charnick, Herman Redd, Peter Berkley, Jeanna Migliaccio, and Kenneth East

NEGATIVE: None  
ABSTENTION: None  
ABSENT: None

- **Resolution #2021-11-05: Approving the Application of Eatontown Mini Mart, 128 Wyckoff Road, Block 2302, Lot 3**

*Mr. Charnick offered a Resolution to approve the application of Eatontown Mini Mart, 128 Wyckoff Road, Block 2302, Lot 3. The resolution was seconded by Mrs. Migliaccio and adopted on the following roll call vote:*

ROLL CALL

AFFIRMATIVE: Brian Charnick, Herman Redd, Peter Berkley, Jeanna Migliaccio, and Kenneth East  
NEGATIVE: None  
ABSTENTION: None  
ABSENT: None

- **Resolution #2021-11-06: Awarding Contract for Old Orchard Pump Station Replacement to T.R. Weniger, Inc.**

*Mr. Charnick offered a Resolution to award the contract for the Old Orchard Pump Station Replacement to T.R. Weniger, Inc. The resolution was seconded by Mr. Redd and adopted on the following roll call vote:*

ROLL CALL

AFFIRMATIVE: Brian Charnick, Herman Redd, Peter Berkley, Jeanna Migliaccio, and Kenneth East  
NEGATIVE: None  
ABSTENTION: None  
ABSENT: None

- **Resolution #2021-11-07: 2022 Risk Management Consultant's Agreement (Conner Strong & Buckelew)**

*Mr. Charnick offered a Resolution to approve the 2022 Risk Management Consultant's Agreement (Conner Strong & Buckelew). The resolution was seconded by Mr. Redd and adopted on the following roll call vote:*

ROLL CALL

AFFIRMATIVE: Brian Charnick, Herman Redd, Peter Berkley, Jeanna Migliaccio, and Kenneth East  
NEGATIVE: None  
ABSTENTION: None  
ABSENT: None

- **Elected Officials' Training Seminars at the 2021 League of Municipalities Conference**

The seminar is currently available in person at the conference in Atlantic City and will most likely be offered as an online version in the near future. Mr. East is interested in attending the seminar in Atlantic City while the other members will wait for the online offering.

**BILLS**

***Resolution to authorize paying the bills in the amount of \$49,782.81 as submitted from the operating account in Kearny Bank was offered by Mr. Charnick, seconded by Mr. Redd, and adopted on the following roll call vote:***

## ROLL CALL

AFFIRMATIVE: Brian Charnick, Herman Redd, Peter Berkley, Jeanna Migliaccio, and Kenneth East  
 NEGATIVE: None  
 ABSTENTION: None  
 ABSENT: None

**APPROVAL OF TRANSFERS FROM THE FOLLOWING ACCOUNTS**

TD Revenue Trust to Kearny Bank Operating Account and Payroll Account:

(November 2021 Operating Expenses) \$ 49,782.81

(December 2021 Salaries) \$ 34,382.04

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Total Transfers: \$ 84,164.85

***Resolution to authorize the monthly transfers from the TD Bank revenue trust account to Kearny Bank operating account to pay the bills in the amount of \$49,782.81, and to Kearny Bank payroll account for the payroll of December 2021 in the amount of \$34,382.04, was offered by Mr. Charnick, seconded by Mr. Redd, and adopted on the following roll call vote:***

## ROLL CALL

AFFIRMATIVE: Brian Charnick, Herman Redd, Peter Berkley, Jeanna Migliaccio, and Kenneth East  
 NEGATIVE: None  
 ABSTENTION: None  
 ABSENT: None

***Resolution to authorize payment for capital improvements from the Kearny Bank operating account to Cleary Giacobbe Alfieri Jacobs, LLC for work relating to the Old Orchard Pump Station Easement in the amount of \$2,196.00 for October legal fees and to Burke Contracting, LLC in the amount of \$4,620.00 for work relating to an emergency repair at 19 Reynolds Drive was offered by Mr. Charnick, seconded by Mr. Redd, and adopted on the following roll call vote:***

## ROLL CALL

AFFIRMATIVE: Brian Charnick, Herman Redd, Peter Berkley, Jeanna Migliaccio, and Kenneth East  
 NEGATIVE: None  
 ABSTENTION: None  
 ABSENT: None

**ADJOURNMENT**

With no further business to address, Mr. Charnick moved to adjourn the meeting at approximately 6:16 p.m.

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Assistant Treasurer

***\* All reports of Committees, Members & Engineer are available for the public to review in the Authority's office and can also be reviewed online.***