

BOROUGH OF BUENA  
MUNICIPAL UTILITIES AUTHORITY  
P. O. BOX 696  
MINOTOLA, NEW JERSEY 08341

The regular meeting of the BBMUA was held on April 26, 2023 at 7 p.m. This meeting notice was provided to The Daily Journal and the Atlantic County Record which are the BBMUA's official newspapers. Notices are also posted on the bulletin boards within the Municipal Building as well as the Borough of Buena and BBMUA's websites. The meeting took place in the large meeting room located in the Municipal Building, Minotola while practicing social distancing.

The meeting was called to order by Chairman Joseph Santagata.

Those present were:

R. Delano	F. DeStefano	S. Testa
J. Formisano	C. Santore	
J. Johnston	A. Zorzi	
J. Santagata	R. Smith	
D. Romeo	R. Casella	

Robert Smith of Remington & Vernick informed the board that a few meetings ago a proposal was submitted to prepare a bid and advertise for upgrading the SCADA System at Well 1, 2, 3 and the Water Tower. Plant Superintendent Alan Zorzi asked if the Local Public Contracts Law exception 40A:11-5 gg option could be used for the upgrade of the SCADA system rather than bidding the project. Mr. Smith emailed the BBMUA Solicitor Robert Casella for his legal opinion and Mr. Casella emailed back stating that the use of the 40A:11-5 gg option applies to the upgrades and that we would not have to go through the public bidding process to perform the upgrades to this equipment. Mr. Zorzi stated he would get the facts together and a resolution could be prepared for the next meeting.

Solicitor Robert Casella of Testa, Heck , Testa & White said in discussion at the last meeting the Chairman asked about the request made by the Borough of Buena EMS to assist in purchasing some equipment. Mr. Casella stated the Chairman asked if they could do some sort of shared services agreement. Mr. Casella looked into it and a shared services agreement could not be used in this instance because that is an agreement in where both share the same provisions and provide the same services to prevent an overlap or duplication with purchases and so forth and wouldn't be appropriate in this case. The Chairman said he didn't recall asking about a shared services agreement, however, he thinks his question was whether the BBMUA is allowed to purchase equipment for the EMS. Robert Smith asked if an interlocal agreement would be more appropriate. Mr.

Casella said he didn't look into that but he doesn't feel that a permanent arrangement such as an agreement wouldn't be beneficial to the MUA. Mr. Casella said it may be done by way of donation. The BBMUA Auditor said that he is not aware of any legal way you can donate money to a nonprofit. Mr. Testa stated the only way he is aware that money can be given to the Borough is if the Borough requests money under the 5% rule. One time in the past the Borough requested funds under the 5% rule and they utilized some of the money to make a purchase for the EMS and the remainder of the money was used to keep the tax rate steady to avoid an increase. At the time the money was not in the budget and we had to do a budget amendment and the State had to approve it so we could turn over the funds requested. Alternate Member Romeo stated he looked into it with Chief Ciruolo and MUA Secretary Cheryl Santore and he was told the Mayor said it was a donation from the MUA to the rescue squad. The Mayor spun it to say the money was a donation from the MUA and the other half was used to keep taxes down. Secretary Santore said it was not a donation. Chairman Santagata said he thinks we ended it with we were going to notify the rescue squad that the request would have to come from the Borough under the 5 % rule. Ms. Santore said she did notify Chief Ciruolo that we cannot purchase equipment or make a donation to the EMS and that the request for funds would have to come from the Borough under the 5% rule and we would have to have the money in our budget. To date Ms. Santore has not heard from the Borough.

Steve Testa of Romano, Hearing, Testa & Knorr stated that his office is diligently working on the 2021 Audit. He will have additional input later under the Plant Superintendent's report but has nothing further at this time.

Secretary Cheryl Santore informed the board she sent an email to Member Robert Delano asking for clarification regarding the licensed operator certifications in the Union contract. The Assistant Plant Superintendent, Jonathan Erber passed his test for his Wastewater Class 3 License. Mr. Erber currently receives an additional \$2.00 for the licenses he currently holds and was capped at \$2.00 in the old contract. In the new contract it states that licensed employees will be capped at \$2.50 and level 3 Licenses were added. However, the amount for each level 3 license is incorrect as a Level 3 license holder would never receive an increase for obtaining his/her level 3 and would only be able to max out at \$2.00 not \$2.50. Therefore, the incentive amount for obtaining a level 3 must be looked at and possibly changed to make the \$2.50 max obtainable. Mr. Delano said that his anticipation was during negotiations that they would be able to get to \$2.50 if their licenses accumulated in that fashion. Mr. Delano wanted to make sure the board was aware of that. Plant Superintendent said it is written that way in the contract but the way the contract is written they would not be able to get to \$2.50. The contract is written wrong. With each license when you go from one license and move up a license you lose your prior license. So, for example, when you have a "2" and you move up to a "3" there would be an increase because you lose the 2 and now have a 3. The incentive for a 2 and a 3 are the same amount in the contract and therefore would not get an increase in your incentive for gaining a license. The incentive would remain as it was. Therefore, for the \$2.50 cap to work level 3 licenses should be \$1.00 not \$.50. The cap

would still remain at \$2.50. Chairman Santagata said the Union prepared the contract so we should go back to the Union and have them amend it and address it at that time.

Ms. Santore informed the board that the NJ MEL Elected Officials training course deadline has been extended to May 31, 2023 due to the MEL Safety Institute's Learning Management System platform transitioning to a new system. Ms. Santore will provide the board with their new activation code after May 1, 2023 when the system goes live and anyone who wants to take the training course can do so by following the instructions provided.

Ms. Santore provide a copy of the email received from Sheri Malnak-Renn of the NJ DCA regarding Legislation Enacting Vendor Requirements for the LIHWAP and Winter Termination Program. Ms. Santore is in the process of getting us in compliance with all of the requirements of the program. Currently we have a vendor contract with the DCA to participate in the LIHWAP, I have posted the requirements on our website and posted them in the municipal hall on the public bulletin boards as well as posted them on the local social media pages, and am in the process of getting the information together to do a mass mailing to our customers. Ms. Santore will keep the board informed if any of the requirements change.

Ms. Santore reminded any board members who did not file their 2023 Financial Disclosure Statement to do so prior to April 30, 2023 to avoid fines.

m/Romeo s/Delano to accept the minutes of the last regular meeting held on April 12, 2023. m/passed

Plant Superintendent Alan Zorzi informed the board that we have been putting money into the capital budget for two new trucks since before COVID. Due to the pandemic, we have not been able to obtain State Contract trucks. Mr. Zorzi asked Jon Erber to look into Ford Fleet where we have purchased vehicles in the past. Ford Fleet offers Government pricing essentially through offering discounted prices to eligible State and Local governmental agencies. Jon contacted Ford and signed up for Ford Fleet, however the BBMUA Auditor, Steve Testa feels we need to do more homework on this. Mr. Testa stated that the amount of the trucks exceeds the bid limit. He is not worried about the budgetary side as the money has been budgeted, however, we have to comply with purchasing processes under the Local Public Contracts Law. So, the trucks exceed the bid limit and as Mr. Zorzi said you used to be able to purchase under state contract but as of right now you can't get vehicles under state contract due to supply issues. The last State Contract date for Ford expired in 2021. Unfortunately, that rules out another exception under the bid requirement which is if you can find a vehicle that cost under 10% of the State Contract amount you can obtain three quotes and make your purchase

that way. Since there is no State Contract pricing that exception cannot be utilized. Therefore, the only options are to either go out for bid for the two vehicles through the normal bidding process, purchase through a Co-Op (The two Co-Ops that the BBMUA currently belongs to does not have contracts for Ford F-150s), or possibly purchase under Ford Fleet program through the GSA (you would have to submit to the DLGS or the Division of Purchasing and get approval). Mr. David Romeo stated that the State Contract for ½ ton pickups are through Dodge. The ¾ ton or larger State Contract are still through Ford. Ms. Santore stated that the MRESC Co-Op that we belong to had a contract with GMC also. Mr. Delano asked if Mr. Testa is making a recommendation. Mr. Testa said his recommendation is to dig a little deeper into this and go from there. Mr. Delano asked if replacing the 2007 vehicles is an emergency. Mr. Zorzi said it is not an emergency. Therefore, it was decided to take a step back and look into this a little further.

Mr. Zorzi stated that applications for the plant operator have been coming in and would like to start interviews before the next meeting in May 2023.

m/Delano s/Johnston to file all correspondence sent out for review without reading number 1 through number 5. m/passed

The next regular meeting will be held on May 10, 2023 at 7:00 p.m.

m/Romeo s/Delano to adjourn the meeting 7:39 p.m. m/passed

Submitted by  
Cheryl Santore-BBMUA Secretary