

December 3, 2008

cc: Admin  
CFO  
SPW

**REGULAR MEETING OF THE MUSCONETCONG SEWERAGE AUTHORITY**

Chairman Rattner called the meeting to order at 7:30 PM. Following salute to colors, announcement was made that adequate notice of this meeting had been provided for as defined by the "Open Public Meetings Act".

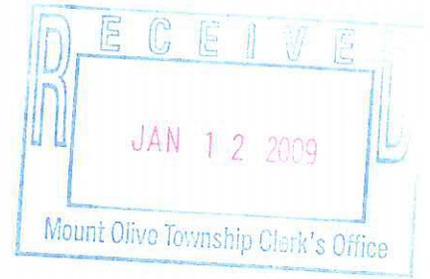
**MEMBERS PRESENT:** Donald Bates, James Benson, David Hoyt, John Kieser, Patrick Kunkel, Daren Phil, Michael Pucilowski, Steven Rattner, John Sylvester.

**MEMBERS ABSENT:** Brian McNeilly, Melanie Michetti, Joseph Schwab.

**OTHERS PRESENT:** David Biasi, Larry Kron, Esq., Lee Purcell.

Chairman Rattner opened and closed the meeting to the public.

Motion to receive bids for Sludge Hauling Contract SH-09 and the Supply Replacement Pumps Contract RP-09 was offered by Mr. Kunkel, seconded by Mr. Sylvester and the affirmative vote of members present. Motion to close the receipt of bids for Sludge Hauling Contract SH-09 and the Supply Replacement Pumps Contract RP-09 as offered by Mr. Hoyt, seconded by Mr. Benson and the affirmative vote of members present.



**Sludge Hauling**

Company	2/15/09-2/14/10	2/15/10-2/14/11	2/15/11-2/14/12
Accurate Waste Systems, Inc.	\$41.96	\$41.96	\$45.00
All County Earthcare	61.00	63.44	65.98
Freehold Cartage	48.70	48.70	48.70
R & D Trucking, Inc.	40.00	43.00	45.00
Russell Reid Waste Hauling	48.70	50.70	51.70
Spectraserv Inc.	43.60	46.30	48.00

R & D Trucking, Inc. is the low bidder for 2 years at \$41.50 /1,000 gallons and for 3 years at \$42.67 /1,000 gallons. The 2008 price is \$42.39 /1,000 gallons.

**Supply Replacement Pumps**

Company	Total Price for 6 Pumps
Hydra-Numatic Sales Co.	\$74,440.00
Reiner Pump Systems, Inc.	\$57,917.00

Mr. Kron will review the bids from R & D Trucking, Inc. and Reiner Pumps Systems, Inc. to determine if they are conforming bids and that all required documents have been submitted.

November 5, 2008 Regular Meeting Minutes were approved on a motion offered by Mr. Pucilowski, seconded by Mr. Kunkel and the unanimous vote of members present.

Expenditures/Treasurer's Report was accepted on a motion offered by Mr. Pucilowski, seconded by Mr. Bates and the unanimous roll call vote of members present.

**RESOLUTION NO. 08-28**

**MUSCONETCONG SEWERAGE AUTHORITY  
BUDGET TRANSFER**

WHEREAS: There appears to be insufficient funds in the following account to meet the demands thereon for the balance of the current fiscal year,

- Administrative – Other Expenses
- Electric
- Maintenance & Repairs
- NJDEP Fees
- Sludge Removal

WHEREAS: There appears to be a surplus in the following account over and above the demand deemed to be necessary for the balance of the current fiscal year,

- Administrative – Salary & Wages
- Operating – Salary & Wages
- Legal
- Permit/Compliance Fees

NOW, THEREFORE, BE IT RESOLVED that in accordance with the provision of N.J.S.A. 5:31-2.8, part of the surplus in the amount heretofore mentioned be and the same is hereby transferred to the account mentioned as being insufficient, to meet the current demands, and,

BE IT FURTHER RESOLVED that the Treasurer be and is hereby authorized and directed to make the following transfer:

FROM	TO	AMOUNT
Administrative – S & W	Administrative – OE	\$3,000.00
Operating – S & W	Electric	\$50,000.00
Legal	Maintenance & Repairs	\$10,000.00
Legal	NJDEP Fees	\$100.00
Permit/Compliance Fees	Sludge Removal	\$54,000.00

Pending Vouchers were approved for payment with the exception of Applied Water Management for \$25,078.20 (change order), on a motion offered by Mr. Pucilowski, seconded by Mr. Kunkel and the unanimous roll call vote of members present.

<b>CONTRACTS 200 &amp; 210</b>	
Applied Water Management	\$91,788.76
Nusbaum, Stein	\$215.00
<b>OPERATING ACCT</b>	
Scott Allen	\$170.00
Applied Water Management	\$12,462.66
Area Distributors Inc.	\$3,340.82
David Biasi	\$379.25
Cintas Corp.	\$777.80
Coyne Chemical	\$4,366.20
Coyne Chemical	\$2,866.50
Keith DeFazio	\$429.78
Fleet Pump & Service	\$2,116.35
GE Capital	\$228.81
Grainger	\$423.70
Hess Corp.	\$22,392.11
J C P & L	\$16,586.60
Longo Electrical	\$2,920.00
Lowe's	\$116.75
Nusbaum, Stein	\$1,650.50
NJ American Water	\$361.31
NJSHBP	\$12,073.40
One Call System	\$30.42
Passaic Valley Sewerage Comm	\$12,691.00
LTPA	\$680.00
Lee T. Purcell Assoc.	\$3,205.00
QC Labs	\$496.00
Quill Corp.	\$82.84
R & J Control	\$2,148.60
Service Tire Truck Center	\$1,490.00
Martha Soccio	\$120.00
StarLedger	\$366.50
David Stracco	\$500.00
Verizon	\$92.09
VWR International	\$1,611.32
Waste Management of NJ	\$409.40

The following correspondence was received and filed on a motion offered by Mr. Sylvester, seconded by Mr. Pucilowski and the affirmative vote of members present.

- |               |                                                               |
|---------------|---------------------------------------------------------------|
| a. 11/03/2008 | NJEIT – Loan Disbursement 6B                                  |
| b. 11/03/2008 | NJDEP – FY 2009 Report & Assessment Fees                      |
| c. 11/05/2008 | NJ Utility Authorities JIF – 2008 Dividend                    |
| d. 11/12/2008 | Heyer, Gruel & Assoc. – Wastewater Capacity Request for Byram |

e. 11/18/2008	NJDEP – Approval of Payment Request No. 7
f. 11/20/2008	NJEIT – Loan Disbursement
g. 11/20/2008	LTPA – Change Order No. 1
h. 11/20/2008	Roxbury Twp. – Route 80 Commercial Park
i. 11/21/2008	Accurate Waste Removal – Required Documents
j.	NJ Clean Water Council’s Annual Public Hearing
k. 11/25/2008	Passaic Valley SC – Agreement
l. 11/26/2008	Morris County Planning – Request for Comments/WMP

Motion was offered by Mr. Sylvester, seconded by Mr. Kieser approving the contract with Passaic Valley Sewerage Commissioners at the rate of \$43.00 per 1,000 gallons for the first year of the 5-year term with yearly adjustments for the Consumer Price Index; subject to review by Mr. Kron. Motion carried by the unanimous roll call vote of members present.

The Authority discussed the possibility of making equipment purchases and repairs & upgrades under the proposed economic stimulus package. Commissioner Phil informed the Authority that Mt. Arlington will be hooking up an additional 45 homes in approximately 6 months. Mr. Biasi will review the pump capacity at PS #5. Monthly Repairs & Maintenance was accepted on a motion offered by Mr. Sylvester, seconded by Mr. Benson and the affirmative vote of members present.

The new sludge thickener system has reduced the volume of sludge removed by approximately 50%. Once the Contractor has completed the wiring diagram to the relocated control panel, a final inspection will be scheduled for Contract 200. All work associated with the original Contract 210 has been completed. Work remains to be completed on the microstrainers with the parts delivery scheduled for late December. Mr. Purcell recommends that the Authority execute Change Order No. 1. The final close out change order on Contract 200 & 210 will include a credit for engineering inspections that were performed early in the project. NJDEP has not responded to the Authority’s letter regarding their disapproval of the MSA’s WMP. The Sussex County communities are not being addressed in the Morris County WMP. Engineer’s Report was accepted on a motion offered by Mr. Hoyt, seconded by Mr. Sylvester and the affirmative vote of members present.

**Res. No. 08-29 Change Order No. 1 for Contract 200** was moved by Mr. Bates, seconded by Mr. Hoyt and the unanimous roll call vote of members present.

**RESOLUTION NO. 08-29**

**Resolution of the Musconetcong Sewerage Authority  
Awarding an Increase of \$15,590.00 to Applied Water  
Management, Inc., for Change Order to Contract No. 200**

WHEREAS, the Musconetcong Sewerage Authority (hereinafter “MSA”) by Resolution No. 07-36 awarded a Contract to Applied Water Management, Inc., for a Sludge Thickening System; and

WHEREAS, Resolution No. 07-36 provided compensation in an amount not to exceed \$537,372.00 without prior written approval from the Musconetcong Sewerage Authority; and

WHEREAS, Lee T. Purcell Associates, Consulting Engineers for the MSA have approved a Change Order, for the following revisions to Contract No. 200 – Sludge Thickening System:

Revision (a) – Construction of an additional catch basin at the Sludge Holding Tank No. 2 Area.

The Agreed upon cost amounts to \$4,960.00

Revision (b) - Additional excavation and backfill due to unsuitable material beneath Sludge Holding Tank No. 2. The agreed upon cost amounts to \$13,474.00

Revision (c) – Addition of ten (10) air valves on air header system for Sludge Holding Tank No. 2 for optimum balancing of airflow. The agreed upon cost amounts to \$277.00

Revision (d) – Elimination of grating and handrails for the new Sludge Holding Tank. The agreed upon credit amounts to \$3,121.00; and

WHEREAS, Lee T. Purcell Associates by report dated November 20, 2008 have determined that the Change Order Proposal in the total amount of \$15,590.00 is fair and reasonable.

NOW, THEREFORE, BE IT RESOLVED, by the Commissioners of the Musconetcong Sewerage Authority that Contract No. 200 between Applied Water Management, Inc., and MSA for revisions is hereby increased by \$15,590.00 to \$552,962.00 to include the above entitled revisions in accordance with report dated November 20, 2008 from Lee T. Purcell Associates; and be it

FURTHER RESOLVED, that Contract No. 200 shall not exceed \$552,962.00 without further authorization from the MSA; and be it

FURTHER RESOLVED, that the MSA publish in the official newspaper of the Authority a legal advertisement advising of the award as required by N.J.S.A. 40A:11-5.

Payment to Applied Water Management for Change Order No. 1 (Contract 200) in the amount of \$25,078.20 was approved on a motion offered by Mr. Pucilowski, seconded by Mr. Kunkel and the unanimous roll call vote of members present.

Res. No. 08-30 Awarding Increase to Lee T. Purcell Associates for Contract 200 was moved by Mr. Kunkel, seconded by Mr. Bates and the unanimous roll call vote of members present.

**RESOLUTION NO. 08-30**

**Resolution of the Musconetcong Sewerage Authority  
Awarding an Increase of \$2,350.00 to Lee T. Purcell  
Associates for Professional Engineering Services For  
Construction Period Services for the Construction of a  
New Sludge Thickening System for the Existing 4.31 MGD  
Water Pollution Control Plant without  
Public Advertising as a Professional Service**

WHEREAS, the Musconetcong Sewerage Authority (hereinafter "MSA") by Resolutions No. 06-40, 07-23 and 08-21 awarded Contracts to Lee T. Purcell Associates for professional services including Construction Period Services, for the construction of a new sludge thickening system for the existing 4.31 MGD Water Pollution Control Plant without public advertising as a professional service; and

WHEREAS, Resolution No. 06-40 provided compensation for Construction Period Services under Contract No. 200 in the amount of \$42,000.00; and

WHEREAS, Resolution No. 08-21 increased the amount by \$5,280.00 to \$46,170.00; and

WHEREAS, Lee T. Purcell Associates have requested an increase in compensation as follows:

a. Job meetings, telephone conversations and follow-up correspondence regarding various revisions to the Contract that were requested by the MSA including items eliminated and an item that had not been included in the contract document but was deemed necessary to facilities operation and maintenance of the sludge thickening system; and

WHEREAS, the Commissioners of the Authority have determined that the increase in compensation for professional engineering services for the Construction Period Services for the existing 4.31 MGD Water Pollution Control Plant is reasonable and justified;

NOW THEREFORE, BE IT RESOLVED by the Commissioners of the Musconetcong Sewerage Authority that the Contract between Lee T. Purcell Associates and the Musconetcong Sewerage Authority for Engineering Services for the Construction Period Services for the new sludge thickening system at the existing 4.31 MGD Water Pollution Control Plant is increased by \$2,350.00 for a total amount of additional Construction Period Services of \$48,520.00; and be it

FURTHER RESOLVED, that the Construction Period Services for Contract 200 shall not exceed \$48,520.00 without further authorization from the MSA; and it is

FURTHER RESOLVED, that the MSA publish in the official newspaper of the Authority a legal advertisement advising of the award as required by N.J.S.A. 40:A:11-5.

Chairman Rattner attended the AEA meeting in which Senator Smith and Assemblyman McKeon discussed the possibility of federal money for infrastructure improvements and the benefit of The Highlands Act. He questioned the Representatives on compensation to the communities that lost revenue due to The Highlands Act.

Mr. Purcell leaves the meeting at 8:43 PM.

Motion made by Mr. Pucilowski, seconded by Mr. Sylvester and the affirmative roll call vote of members present for the commissioners to go into closed session at 8:43 PM:

WHEREAS, Section 8 of the Open Public Meetings Act (N.J.S.A. 10:4-12 (b) (1-9) permits the exclusion of the public from meeting in certain circumstances;

WHEREAS, the Commissioners of the Musconetcong Sewerage Authority is of the opinion that such circumstances exist.

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Musconetcong Sewerage Authority as follows:

1. The public shall be excluded from discussion of, action on and hearing the tape of closed session of the Musconetcong Sewerage Authority;
2. The general nature of the subject matter to be discussed is as follows:  
Personnel/Contract Negotiations

The above subject matter will be made public as soon therefore as it is deemed to be in the public interest.

Chairman Rattner re-opened the meeting at 9:15 PM. Motion was offered by Mr. Sylvester, seconded by Mr. Kunkel to adjourn and by the affirmative vote of members present, Chairman Rattner adjourned the meeting at 9:15 PM.

Respectfully Submitted:

Martha Soccio  
Admin Asst