C

Susan Gouveia

From: Lashway, Lisa
Sent: Friday, August 23, 2013 11:32 AM
To: Canning, Sean; Susan Gouveia; Quinn, Tim; Maniscalco, Sherry
Subject: FW: MSA July 25, 2013 Approved Meeting Minutes
Attachments: July 25, 2013 approved meeting minutes.pdf

Lisa Lashway
Mt. Olive Twp. Clerk
973-691-0900 Ext. 7291
FAX 973-691-2080
PO Box 450
Budd Lake, NJ 07828

From: Susan Grebe [mailto:sgrebe@msa-nj.org]
Sent: Friday, August 23, 2013 11:29 AM
To: Amy Rhead; 'Catherine Gleason'; Dolores Dalessandro; Doris Flynn; Ellen Horak; Linda DeSantis; Lashway, Lisa
Subject: MSA July 25, 2013 Approved Meeting Minutes

Attached are the approved minutes of the Musconetcong Sewerage Authority meeting held on July 25, 2013.

Susan Grebe,
Administrative Assistant
Musconetcong Sewerage Authority
110 Continental Drive, Budd Lake, NJ 07828
973-347-1525 ext. 201

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: James Benson, David Hoyt, Michael Grogan, John Keiser, Melanie Michetti, Daren Phil, Michael Pucilowski, Steven Rattner, Joseph Schwab, John Sylvester

MEMBERS ABSENT: Donald Bates, Edward Schwartz

OTHERS PRESENT: Patrick Dwyer, Esq., Lee Purcell, PE, Fenton Purcell, PE, James Schilling, Marvin Joss, QPA

A motion was made by Mr. Schwab to amend the meeting agenda to remove Item I. from the correspondence listed on the agenda regarding litigation and discuss the matter in closed session, seconded by Mr. Benson and the affirmative roll call vote of members present.

Chairman Rattner opened and closed the meeting to the public.

The meeting minutes of June 27, 2013 were approved on a motion offered by Mr. Pucilowski seconded by Mr. Sylvester and the affirmative roll call vote of members present.

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

The pending vouchers for the month of July were approved for payment on a motion offered by Mr. Schwab, seconded by Mr. Pucilowski and the affirmative roll call vote of members present.

RENEWAL & REPLACEMENT	
LTPA (handrail repair & interceptor sewer)	$1,683.26
LTPA (electric hoist at PS #1)	$2,125.00
LTPA (basket & rails at PS #2 &3)	$2,975.00
LTPA (fencing at PS #2)	$3,060.00
LTPA (Insurance review with risk mgmt consultant)	$1,295.00
Nussbaum Stein (contracts #245 & #250)	$1,694.00
OPERATING ACCOUNT	
ADP	$491.63
Scott Allen (mileage reimb)	$25.43
Atlantic Tomorrow Office	$27.80
Nick Barbato (mileage reimb)	$25.43
Blue Diamond Disposal	$175.00
Cintas Corp.	$487.63
Cintas First Aid	$129.79
Federal Express	$114.57
Fisher Scientific	$892.00
Grainger	$240.52
Hayes Pump	$946.00
Hess	$254.51
JCP&L	$8,243.57
Kemira Water	$5,237.61
Lowe's	$70.60
Mission Communications	$2,431.80
NJSHBP	$16,140.45
Najarian Associates	$7,280.00
Nussbaum Stein	$1,837.00
One Call	$29.64
PPL Energy	$14,349.35
Passaic Valley Sewerage	$23,210.50
Polydyne	$2,052.00
QC Labs	$603.00
James Schilling (mileage & dental reimb)	$187.46
Shell Fleet Plus	$580.81
Spectraserve	$19,095.57
Staples	$492.12
Terex Services	$2,250.00
Treasurer State of NJ	$410.00
USA Bluebook	$486.41

Verizon	$675.55
Verizon Communications	$49.99
Waste Management	$205.59
Zep	$150.16

Chairman Rattner noted that Items H. through K. of the correspondence would be discussed in closed session because they were all related to litigation. The following correspondence for the month of July was received and filed on a motion offered by Mrs. Michetti, seconded by Mr. Benson and the affirmative vote of members present.

A. 6/28/13 LTPA – To National Water Main Cleaning Co. – Contract #245 Rehab of Interceptor Sewer
B. 6/28/13 LTPA – To CFM Construction – Contract #250 Handrail Repairs
C. 7/3/13 Morris County – Plans for Milling & Resurfacing of Bartley Flanders Road
D. 7/3/13 Morris County – Plans for Milling & Resurfacing of Howard Boulevard
E. 7/16/13 Morris County – Pre-Construction Meeting for Milling & Resurfacing of Howard Blvd.
F. 7/22/13 P. Dwyer, Esq. – Merwin & Paolazzi Ins. – Contract #250 Insurance Requirements
G. 7/22/13 P. Dwyer, Esq. – Marsh USA, Inc. – Contract #245 Insurance Requirements
H. 7/23/13 Tavit Najarian, Sc.D. – Proposal for Support of the Adjudication Process/Permit Appeal
I. 7/23/13 P. Dwyer, Esq. – MSA Permit Appeal Hearing Estimated Budget for Services
K. 7/23/13 LTPA – Budget Request for Engineering Services for MSA Permit Appeal Hearing

Mr. Schilling asked if the commissioners had reviewed his monthly report and if anyone had any questions. Mr. Pucilowski questioned about the waste disposal contract with Waste Management. Mr. Schilling said a five year service agreement was in place, not a contract, and he entered into a two year service agreement with Blue Diamond for the same services. The cost for the contract is below the bid threshold and will save the MSA $300.00 a month. He also noted that the reason he decided to switch was because of service issues and problems with Waste Management.

Mr. Schilling reported that the zoning permit for the fencing to be installed at Pump Station #2 has been approved. The fencing will be done under the State or the Morris County Coop contract.

Mr. Schilling also reported that he finalized the draft headworks analysis prepared by Najarian and the final copy will be submitted to the State. Mr. Schilling also discussed the meter chamber flow data for the towns. He met with Verizon and is looking into the possibility of going wireless for the meter chambers which will be more accurate in terms of the data collected. The cost would be approximately $20,000.00. Mr. Pucilowski had a concern that there can be problems with wireless communications when there are extended periods with no power. Mr. Schilling said that he and some of the MSA staff will be meeting with the Verizon Wireless Signal Strength Division on July 31st and they will go to all eight stations to do analyses. Mr. Schilling also mentioned that the MSA Staff should be able to install the equipment.

Lastly, Mr. Schilling reported that the annual OSHA hoist inspections were performed on July 10th. He received the inspection report on July 23rd and corrective actions will be addressed.

Mr. Pucilowski asked Mr. Schilling if he was planning on completing the two small repair projects at PS #2 and #3 this year or will those projects be budgeted for next year. Mr. Schilling said his intentions were to complete the projects this year, but he would know better after meeting with the Finance Committee.

The Repairs and Maintenance Report was accepted on a motion offered by Mr. Sylvester, seconded by Mr. Benson and the affirmative vote of members present.

Lee Purcell, P.E. reported on the Sandy Rebuild Technical Assistance. The NJDEP had published a priority list and a hearing was held in Trenton on July 24th. He explained that there was a four page list of projects for consideration to receive Sandy Relief Funds. 75% of the funding will be low interest loans and 25% will be principle forgiveness. He presented a list of projects that were being submitted which listed and recognized the MSA. LTPA will follow up as required.

Lee Purcell noted that LTPA has submitted a budget as required for the appeal process. He explained some of the costs associated with the budget.

Lee Purcell reported that the low bid contractors for the handrail repairs and interceptor sewer rehabilitation projects have been notified of their award of contract and directed to supply the MSA Attorney with bonds and insurance documents. As soon as the requirements by the MSA Attorney are satisfied LTPA will schedule pre-construction meetings and get the projects started. Mr. Pucilowski had a concern regarding extension of time on the contracts. Mr. Schwab had a concern with the project time lines and asked if a notice to proceed with the projects could be issued at this time. Mr. Dwyer said he expected the contractors to should get back to him sometime the following week with the required documents and as soon as he receives that information he will let the Engineer know to follow up with the pre-construction meetings and notices to proceed on both contracts.

Mr. Purcell reported that LTPA has prepared construction documents for solicitation of three quotes for the removal and replacement of existing trash basket assemblies and slide guide systems at Pump Stations #2 and #3.

Mr. Purcell also reported on the project for installation of an electrical hoist at Pump Station #1. Preparation of the contract documents has been tabled because of cost considerations and anticipated short life of the equipment.

Mr. Purcell also reiterated the importance to have an Asset Management Plan in place.

The Engineer's Report was accepted on a motion offered by Mr. Benson, seconded by Mr. Pucilowski and the affirmative vote of members present.

Res. No. 13-20 Accepting a Request for Withdrawal of Bid from Carjen Fence Co., Inc. for Contract No. 250, was moved by Mr. Sylvester, seconded by Mrs. Michetti. Roll call:

Mr. Benson	Abstained	Mr. Phil	Yes
Mr. Hoyt	Yes	Mr. Pucilowski	Yes
Mr. Grogan	Yes	Mr. Rattner	Yes
Mr. Keiser	Yes	Mr. Schwab	Yes
Mrs. Michetti	Yes	Mr. Sylvester	Yes

RESOLUTION NO. 13-20

**Resolution of the Musconetcong Sewerage Authority
Accepting a Request for Withdrawal of Bid from
Carjen Fence Co., Inc., for Contract No. 250**

WHEREAS, on June 25, 2013, the Musconetcong Sewerage Authority (hereinafter "MSA") received the following bid to for Handrail Post Concrete Anchorage Repairs and Handrails Replacements:

Company Name	Amount of Bid
Carjen Fence Co., Inc. 1223 Park Street Peekskill, NY 10566	$ 90,981.00

WHEREAS, on June 27, 2013, the MSA received a letter from Carjen Fence Co., Inc., requesting to withdraw its bid due to a mistake; and

WHEREAS, having reviewed the request, and having reviewed the apparent error in the preparation of the bid from Carjen Fence Co., Inc., and having reviewed applicable law;

NOW, THEREFORE, BE IT RESOLVED, by the Commissioners of the Musconetcong Sewerage Authority that the request for withdrawal of bid received from of Carjen Fence Co., Inc., is hereby accepted, and the bid is deemed withdrawn, and the Commissioners are free to consider other bids.

Res. No. 13-21 Authorizing Submittal of a Letter to the United States Environmental Protection Agency Requesting an Environmentally Sensitive Area Mapping Revision in connection with New Jersey Treatment Works Approval (TWA-1) Permit Application No. 06-0139 to Wellfleet Developers, Inc., for Property Located at Block 11201, Lots 1, 2 and 3, Shippenport Road, Roxbury Township Morris County, New Jersey, and also know as "The Villages at Roxbury", was moved by Mrs. Michetti, seconded by Mr. Schwab and the affirmative roll call vote of members present.

RESOLUTION NO. 13-21

**Resolution of the Musconetcong Sewerage Authority
Authorizing Submittal of a Letter to the United States
Environmental Protection Agency Requesting an Environmentally
Sensitive Area Mapping Revision in connection with New Jersey Treatment
Works Approval (TWA-1) Permit Application No. 06-0139
to Wellfleet Developers, Inc., for Property Located at Block 11201,
Lots 1, 2 and 3, Shippenport Road, Roxbury Township
Morris County, New Jersey, and also know as "The Villages at Roxbury"**

WHEREAS, the Musconetcong Sewerage Authority has received a request dated May 21, 2013 from Girodano, Halleran & Ciesla on behalf of Wellfleet Developers, Inc., (hereinafter "Wellfleet") in connection with the Treatment Works Approval ("TWA") No. 06-0139 for property located at Block 11201, Lots 1, 2 and 3, Shippenport Road, Roxbury Township, Morris County, New Jersey for a project known as "The Villages at Roxbury" for the submittal of a letter to the United States Environmental Protection Agency ("EPA") requesting an Environmentally Sensitive Area Mapping Revision in connection with TWA No. 06-0139 granted to Wellfleet by the New Jersey Department of Environmental Protection;

NOW, THEREFORE, BE IT RESOLVED, by the Commissioners of the Musconetcong Sewerage Authority that the Authority shall forward to the EPA a letter requesting an Environmentally Sensitive Area Mapping Revision for the Villages at Roxbury as set forth in the letter request from Wellfleet; and be it

FURTHER RESOLVED, that Steven Rattner, Chairman of the Musconetcong Sewerage Authority is hereby authorized to sign the attached letter to the EPA in support of the application by Wellfleet to the EPA.

The proposal from VM Associates for additional accounting services was reviewed and discussed. VM Associates had submitted an hourly rate sheet as requested. Commissioner Schwab indicated that VM Associates can bill when the additional work is accomplished rather than submit a lump sum at the year end. Mr. Schwab explained to the commissioners the additional accounting services that are needed and the funding for the services. A motion was made by Mr. Phil to approve the proposal submitted by VM Associates for additional accounting services, seconded by Mr. Hoyt and the affirmative roll call vote of members present.

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 8:13 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 are 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: Litigation

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

Motion to reopen the meeting to the public at 8:29 PM was offered by Mr. Hoyt, seconded by Mr. Grogan and the affirmative vote of members present.

Res. No. 13-22 Awarding Contracts for Professional Services to Lee T. Purcell Associates, Najarian Associates and Nusbaum, Stein, Goldstein, Bronstein & Kron for Work Relating to the Matter of MSA v. NJDEP Without Public Advertising as a Professional Service, was moved by Mr. Sylvester, seconded by Mr. Pucilowski and the affirmative roll call vote of members present.

RESOLUTION NO. 13-22

Resolution of the Musconetcong Sewerage Authority Awarding Contracts for Professional Services to Lee T. Purcell Associates, Najarian Associates and Nusbaum, Stein, Goldstein, Bronstein & Kron for Work Relating to the Matter of MSA v. NJDEP Without Public Advertising as a Professional Service

WHEREAS, the Musconetcong Sewerage Authority (hereinafter "MSA") requires services in connection with the prosecution of the pending litigation known as MSA v. NJDEP (OAL Docket No. ELU 05549-2013A N); and

WHEREAS, N.J.S.A. 40A:11-5 permits the award of a contract without public advertising for bids and bidding of professional services; and

WHEREAS, the MSA is desirous of employing Lee T. Purcell Associates to provide engineering services as set forth in their proposal dated July 23, 2013; and

WHEREAS, the MSA is desirous of employing Najarian and Associates to provide specialized environmental consulting services as described in their proposal dated July 23, 2013; and

WHEREAS, the MSA is desirous of employing Nusbaum, Stein, Goldstein, Bronstein & Kron to provide legal services as described in their proposal dated July 23, 2013 and

WHEREAS, it is acknowledged that the hourly rates for work to be performed shall be as set forth in the proposals and/or the hourly rate schedule for said firms for the year 2013; and

WHEREAS, the MSA is desirous of amending the proposal from Najarian Associates to reflect that the work shall be billed at the hourly scheduled rates and shall not exceed the amount stated in their proposal.

NOW, THEREFORE, BE IT RESOLVED, by the Commissioners of the Musconetcong Sewerage Authority that the Contracts are hereby awarded to Najarian Associates, Lee T. Purcell Associates and Nusbaum, Stein, Goldstein, Bronstein & Kron to provide professional services in connection with the pending litigation captioned MSA v. NJDEP; and be it

FURTHER RESOLVED, that the work to be performed by Najarian Associates shall be billed at their hourly rates for 2013 and shall not exceed the total amount in their proposal unless preapproved by the MSA; and be it

FURTHER RESOLVED, that the work to be performed by Nusbaum, Stein, Goldstein, Bronstein & Kron shall be billed at their hourly rate for 2013 and shall not exceed the total amount in their proposal unless preapproved by the MSA; and be it

FURTHER RESOLVED, that the work to be performed by Lee T. Purcell Associates shall be billed at their hourly rates for 2013 and shall not exceed the total amount in their proposal unless preapproved by the MSA; and be it

FURTHER RESOLVED, that Steven Rattner as Chairman is hereby authorized to sign and/or countersign the proposals received from the above professionals with the MSA in the forms attached hereto; and be it

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

Motion made by Mr. Sylvester, seconded by Mr. Grogan and the affirmative roll call vote of members present, Chairman Rattner adjourned the meeting at 8:33 PM.

Respectfully Submitted:

Susan Grebe

Susan Grebe,
Administrative Assistant