# WARREN COUNTY (PEQUEST RIVER) MUNICIPAL UTILITIES AUTHORITY

# **MINUTES July 16, 2014**

Chairman Chamberlain called the regular meeting of the Warren County (Pequest River) Municipal Utilities Authority to order at 7:30 p.m. The meeting was held at the Authority's Administration building located at 199 Foul Rift Road, Belvidere, New Jersey.

### Roll Call:

Chad Chamberlain, Chairman Morris Scott, Jr., Vice Chairman Laurel Napolitani, Secretary Robert Piazza, Treasurer Sidney Deutsch Drew Kiszonak Everdina O'Connor Philip Rosenberg Donald Niece Absent (entered at 7:33)

Also, in attendance were:

Charles L. Houck, Authority Chief Financial Officer; Brian Tipton, Esq., Authority Legal Counsel; Stephen Donati, P.E., Authority Engineer; Billy J. Wauhop, Authority Consultant; and Patricia Kaspereen, Administrative Assistant.

Chairman Chamberlain led everyone in the Pledge of Allegiance and then read the Introductory Statement.

### **MINUTES**

Mr. Scott moved and Ms. O'Connor seconded to approve the minutes of the June 11, 2014 regular meeting, as presented. The motion passed. Roll call was as follows:

Mr. Deutsch	Abstain	Mr. Piazza	Yes
Mr. Kiszonak	Yes	Mr. Rosenberg	Yes
Ms. Napolitani	Abstain	Mr. Scott	Yes
Mr. Niece	Absent	Chairman Chamberlain	Yes
Ms. O'Connor	Yes		

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CORRESPONDENCE

Ms. Napolitani recapped the correspondence listed below. Mr. Niece entered the meeting.

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- 1. A letter dated June 10, 2014, from Mr. Sterbenz, P.E., P.P., White Township Engineer, to Ms. Kaspereen, Administrative Assistant, requesting a resolution from the Authority in support of White's request to amend their WQMP to include Block 21, Lot 7.03: LaTorre Plaza (Trinacria, LLC).
- 2. A letter dated June 10, 2014, from Mr. Nallamothu, Project Engineer, Tomar Construction Services, to Mr. Donati, P.E., V.P., CP Engineers, following up on a previous letter about weather related delays.
- 3. A letter dated June 17, 2014, from Mr. Chebra, P.E., Assistant Director, Municipal Finance & Construction Element, Division of Water Quality, NJDEP, to Mr. Wasser, Licensed Operator, approving Payment Requisition No. 1 for the Oxford WWTF Upgrade.
- 4. A letter dated June 20, 2014, from Mr. Zimmer, Executive Director, NJEIT to Ms. Deyo, US Bank Corporate Trust Services submitting the NJEIT loan disbursement #1 for the Oxford WWTF Upgrade.
- 5. A letter dated June 23, 2014, from Ms. Gosselink, Division of Coastal & Land Use Planning, NJDEP, to Mr. Sterbenz, White Township Engineer, in response to correspondence #1.
- 6. A letter dated June 25, 2014, from Mr. Chebra, P.E., Assistant Director, Municipal Finance & Construction Element, Division of Water Quality, NJDEP, to Mr. Wasser, Licensed Operator, approving Payment Requisition No. 2 for the Oxford WWTF Upgrade.
- 7. A letter dated June 25, 2014, from Mr. Mikulka, C.P.M., Senior Project Manager, CP Engineers, to the Delaware River Basin Commission, submitting the docket renewal application for the Belvidere WWTF.
- 8. A letter dated June 27, 2014, from Mr. Zimmer, Executive Director, NJEIT to Ms. Deyo, US Bank Corporate Trust Services submitting the NJEIT loan disbursement #2 for the Oxford WWTF Upgrade.
- 9. A letter dated June 30, 2014, from Mr. Donati, P.E., V.P., CPE to Mr. Wauhop, Authority Consultant enclosing a copy of Progress Payment Application No. 2, submitted by DeMaio Electric Company for Contract No. 13-02: Axford Avenue Pump Station Rehab.
- 10. A letter dated July 2, 2014, from Mr. Sauder, Project Manager/Sr. Environmental Specialist, CP Engineers, to Mr. Sobhan, Project Engineer, Tomar Construction Services in response to correspondence #2.
- 11. A letter dated July 3, 2014, from Mr. Mikulka, C.P.M., Senior Project Manager, CPE, to Mr. Paull, Chief, Northern Bureau of Water Compliance & Enforcement, NJDEP,

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- enclosing supplemental information to our previous Force Majeure request of 2/27/14 in connection with the Oxford WWTF Upgrade.
- 12. A letter dated July 3, 2014, from Mr. Donati, P.E., V.P., CPE to Mr. Wauhop, Authority Consultant enclosing a copy of Progress Payment Application No. 6, submitted by Tomar Construction Services for Contract No. 12-01: Oxford WWTF Upgrade.
- 13. A letter dated July 9, 2014, from Mr. Mikulka, C.P.M., Senior Project Manager, CPE, to Mr. Paull, Chief, Northern Bureau of Water Compliance & Enforcement, NJDEP, submitting Quarterly Progress Report #1, per the Administrative Consent Order for the Oxford WWTF.

### CFO'S REPORT

Copies of the monthly financial report prepared by Mr. Houck were distributed prior to the meeting. Page one of the report shows the funds held by TD Wealth Management. They are holding funds in escrow for the 2003 Series Bonds, which have a call date of August 1, 2014. Those funds should be disbursed by the end of September.

Mr. Houck explained that he is attempting to have TD Bank relieved of the responsibility of being the Loan Servicer for the NJEIT 2002 & 2003 loans, and have us take over the responsibility. This will save the Authority over \$8,000 in annual fees.

The year-to-date figure for Debt Service does not include the retirement of the bonds.

Retirement of the bonds will necessitate amending our FY2014 budget by the end of the year. Mr. Houck is waiting for Bond Counsel to submit the bill for the advertisement, notifying the bondholders that we are calling in and retiring the bonds. Once he has this information, he will submit a proposed budget amendment for board approval.

Mr. Houck stated it is that time of year to begin preparing the budget for the next fiscal year, and asked the commissioners if they would like him to proceed as we have in the past. The consensus of the Board was in the affirmative.

Mr. Houck left the meeting.

### **EXECUTIVE SESSION**

At approximately 7:37 p.m., Mr. Scott moved to adopt Resolution #14-29 to enter into executive session to discuss contractual matters. Mr. Kiszonak seconded. All in favor, motion carried.

At approximated 8:08 p.m., Mr. Rosenberg moved and Mr. Scott seconded to return to open session. All in favor, motion carried.

### GENERAL COUNSEL'S REPORT

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Mr. Scott moved to have Mr. Tipton send a letter to Tomar Constructions Services, spelling out where we are in the process and what may happen going forward. Mr. Kiszonak seconded. All in favor, motion carried. A copy of the letter will also be sent to Tomar's surety company.

Chairman Chamberlain presented a resolution authorizing the award of a non-fair and open contract for professional consulting services to Billy Wauhop & Associates.

Mr. Rosenberg moved to adopt Resolution #14-30, authorizing the award of a non-fair and open contract for professional consulting services to Billy Wauhop & Associates, LLC for \$75,000. The term of the contract is from August 15, 2014 to August 14, 2015. Ms. O'Connor seconded. The motion passed unanimously on a roll call vote.

### **ENGINEER'S REPORT**

Sewer Extensions: A request was received from Maser Consulting (corr. #1) for consent of a Wastewater Management Plan Amendment for the LaTorre Plaza. Mr. Donati stated it was a good application and he could see no problem with it; projected wastewater is 5,000 GPD. The "plaza" will consist of approximately 29,000 square feet of retail space and a 60-seat restaurant. Mr. Donati prepared a resolution for the Board's consideration.

Mr. Scott moved to adopt Resolution #14-31; consenting to the proposed site-specific Water Quality Management (WQM) Plan amendment entitled "La Torre Plaza Commercial Development". Mr. Rosenberg seconded. The motion passed unanimously on a roll call vote.

Oxford WWTF Upgrade: Mr. Donati displayed an updated graph of the project's progress.

Axford Avenue Pump Station Rehab: The contractor on this project is very good. Their work has been excellent. Everything is in except for the generator, which is due around July 27.

### **AUTHORITY CONSULTANT**

Mr. Wauhop distributed his report prior to the meeting.

A few weeks ago, when a bad storm passed through, three pump stations in Oxford were affected; the Axford Avenue Pump Station was not. The Oxford plant had to be manually switched over to the emergency generator. This situation will be investigated next Tuesday.

Belvidere STP: Mr. Wauhop displayed pictures of the new control panel installed in the service building. He explained how the panel helps operations in monitoring the plant and outside stations.

Oxford Upgrade: Tomar had to dig down three additional feet below a slab to find a pipe, so there will be an upcharge. The as-built print showed an incorrect depth.

Mr. Wauhop recapped maintenance items performed during the past month at both plants.

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Sludge Thickening: Operators at the Belvidere facility have been working through the process of trying to pump sludge from the FST back up to the storage tank. This week, they got one of the pumps working and pumped sludge from one of the FSTs back up to the storage tank. Further work is needed.

Nature's Choice: Mr. Wauhop spoke to them about acceptance of their stormwater run-off and how to resolve the UV issue. There were microscopic granules of organic material present in their run-off. He will discuss this further with Mr. Donati.

Next Tuesday, infrared surveys will be taken of all the MCCs (motor control centers) at both plants. These surveys were offered by the JIF at no cost to the Authority from the company performing the surveys. The only cost to us will be our electrician, who will already be on site to look at the VFDs at Belvidere and the transfer switch at Oxford.

Mr. Wauhop updated the commissioners on the progress of the operators obtaining their licenses.

### FINANCE (TREASURER)

Mr. Piazza attended the bi-monthly progress meeting last week for the Oxford WWTF Upgrade and reiterated statements made earlier by Mr. Wauhop.

Mr. Piazza moved that Resolution #14-32 (Certificate No. 344: \$868,298.50) be approved to pay all the bills from the Capital Improvements Fund. There was a brief discussion about Tomar Construction Services. Mr. Scott seconded. The motion passed unanimously on a roll call vote.

Mr. Piazza moved that Resolution #14-33 (Certificate No. 336: \$77,850.73) be approved to pay all bills from the Operating Fund. Mr. Niece seconded. The motion passed unanimously on a roll call vote.

### <u>UNFINISHED BUSINESS</u>

Risk Management Services: Mr. Rosenberg did not see any purpose in delaying the matter any longer. He moved to appoint Sharon Cooper as our risk manager.

Chairman Chamberlain suggested a resolution be prepared for the August meeting, with a copy being sent to Ms. Cooper for her review. Mr. Rosenberg agreed with Chairman Chamberlain's suggestion. The insurance committee would also like to remain with the current JIF. Ms. Kaspereen will take care of the resolution.

### NEW BUSINESS

There was no new business.

### PUBLIC COMMENT

There was no public present.

As there was no more business to come before the Authority, Mr. Scott moved and Ms. O'Connor seconded that the meeting be adjourned. All in favor, motion carried. The meeting was adjourned at 8:34 p.m.

Patricia Kaspereen Administrative Assistant

### **RESOLUTION**

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED by the Warren County (Pequest River)
Municipal Utilities Authority of the Township of White, County of Warren and State of New
Jersey, as follows:

- 1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter.
- 2. The General nature of the subject matter to be discussed is as follows:

Contract matters

- 3. It is anticipated at this time that the above subject matter will be made public when appropriate.
- 4. This Resolution shall take effect immediately.

WARREN COUNTY (PEQUEST RIVER)
MUNICIPAL WILLITIES AUTHORITY

Chad Chamberlain, Chairperson

Laurel Napolitani, Secretary

DATED: July 16, 2014

# RESOLUTION #14-30 AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL CONSULTING SERVICES, FOR 2014 - 2015

WHEREAS, there exists a need for professional consulting services relative to engineering and management of the business and supervision of the Warren County (Pequest River) Municipal Utilities Authority (Authority), as set forth in detail in the attached Agreement between this Authority and Billy Wauhop & Associates, L.L.C. (Contractor); and

WHEREAS, the Authority desires to contract for services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, the terms of this Agreement reflect approved monthly fees for a defined scope of services, and based thereon the Authority has determined that the annual cost for the services is \$75,000.00, which value will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is from August 15, 2014 to August 14, 2015; and

WHEREAS, Contractor has completed and submitted a Business Entity Disclosure Certification which certifies that it has not made any reportable contributions to a political or candidate committee in the County of Warren, New Jersey, in the previous one year, and that the contract will prohibit the Contractor from making any reportable contributions through the term of the contract; and

WHEREAS, there are funds available for this Contract.

### NOW THEREFORE, BE IT RESOLVED that:

- 1. The Warren County (Pequest River) Municipal Utilities Authority authorizes its Chairman and Secretary to enter into a contract with Billy Wauhop & Associates, L.L.C. as described herein.
- 2. The contract is awarded without competitive bidding as a "Professional Service" because professional engineering services are exempt from bidding under N.J.S.A. 40A:11-1(6)(a).
- 3. A Notice of this resolution shall be published in the official newspapers as required by law within ten days of its passage.
- 4. One copy of this Resolution, and the contract itself, shall be made available at the Authority offices for public inspection.
- 5. The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this resolution.

### **CERTIFICATION**

I, Laurel Napolitani, Secretary of the Warren County (Pequest River) Municipal Utilities Authority, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Authority at a meeting held on July 16, 2014.

BY: Lauré () <u>Apalala</u>ji Laurel Napolitani, Secretary

### **CERTIFICATION**

I, Chad Chamberlain, Chairman of the Authority, do this date certify that the contract mentioned herein exceeds, or is reasonably likely to exceed the sum of \$17,500.00 during its term.

BY: Chad Chamberlain, Chairman

Dated: July 16, 2014

A RESOLUTION CONSENTING TO THE PROPOSED SITE SPECIFIC WATER QUALITY MANAGEMENT (WQM) PLAN AMENDMENT ENTITLED: LA TORRE PLAZA COMMERCIAL DEVELOPMENT

WHEREAS, the Warren County (Pequest River) Municipal Utilities Authority (Authority) desires to provide for the orderly treatment and disposal of wastewater within its District; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) requires that proposed wastewater treatment and conveyance facilities and wastewater treatment service areas, as well as related subjects, be in conformance with an approved WQM plan; and

WHEREAS, the NJDEP has established the WQM plan amendment procedure as the method of incorporating unplanned facilities into a WQM plan; and

WHEREAS, a proposed WQM plan amendment has been prepared by Maser Consulting, P.A. and submitted to the Authority for consent, as required; and

WHEREAS, the Authority recognizes that the WQM plan amendment calls for discharge of all wastewater from the development to the Authority's Belvidere Wastewater Treatment Plant and agrees thereto;

NOW, THEREFORE, BE IT RESOLVED that:

- 1. The Authority hereby consents to the amendment entitled La Torre Plaza Commercial Development, and publicly noticed, prepared by Maser Consulting, P.A., for the purpose of its incorporation into the applicable WQM plan(s).
- 2. This consent shall be submitted to the NJDEP in accordance with N.J.A.C. 7:15-3.4.

### CERTIFICATION

I, Laurel Napolitani, Secretary of the Warren County (Pequest River) Municipal Utilities Authority, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Authority at a meeting held on July 16, 2014.

Laurel Napolitani, Secretary

Dated: July 16, 2014

**RESOLUTION RE:** 

EXPENDITURES FROM THE CAPITAL IMPROVEMENTS FUND FOR THE MONTH OF JULY 2014.

I HEREBY CERTIFY that the bills listed for CAPITAL IMPROVEMENTS are in accordance with the Authority's June budget.

Chad Chamberlain, Chairman

Laure () la politique)
Laurel Napolitani (Secretary

Certificate No. CI 344

Dated: July 16, 2014

Moved by: Mr. Piazza '

Seconded by: Mr. Scott

Yes 9

No \_\_0

Abstain 0

Absent 0

### CAPITAL IMPROVEMENT BILLS LIST July 16, 2014

1.	CP Engineers, LLC Period: June 2014 Engineering Services		
	Axford Avenue Pump Station Rehab		\$1,833.75
2.	CP Engineers, LLC Period: June 2014 Engineering Services		
	Construction Services		
	Oxford WWTP Upgrade		\$53,351.06 *
3.	Certified Testing Laboratories, Inc. Concrete Testing		
	Oxford WWTP Upgrade		1,414.60 *
4.	DeMaio Electrical Co., Inc, Payment Application #2 Contract No. 13-02		
	Axford Avenue Pump Station		142,337.65
5.	Florio Perrucci Steinhardt & Fader Period: May 2014		
	Legal Services	<b>3</b>	
	Oxford WWTP Upgrade		4,787.14 *
6.	Nisivoccia Consulting LLC Desktop Computer w/setup Microsoft 2010 Office Pro		
	Belvidere Operations		1,325.00
7.	Tomar Construction Services, Inc. Payment Application #6 Contract No. 12-01		
	Oxford WWTP Upgrade		663,249.30 *
		Total	\$969.200.50
		Total	\$868,298.50

<sup>\*</sup> Bills to be submitted by CPE to request reimbursement from the NJEIT Financing Program

### **RESOLUTION RE:**

# EXPENDITURES FROM THE OPERATING FUND DURING THE MONTH OF JULY 2014.

I HEREBY CERTIFY, that the bills listed on the attached Resolution of July 16, 2014, regarding payment of bills from the Operating Fund were for the operating expenses and were in accordance with the Authority's 2014 budget.

Chad Chamberlain, Chairman

Laurel Napolitani, Secretary

Certificate No. OF 336

Dated: July 16, 2014

Moved by: Mr. Piazza

Seconded by: Mr. Niece

Yes \_ 9\_

No \_\_0\_

Abstain 0

Absent 0

## APPROVAL OF BILLS TO BE PAID FROM THE OPERATING FUND

Meeting: July 16, 2014

BE IT RESOLVED, that the following bills are approved by the Authority for payment

from the Operating Fund in accordance with the Authority's Bond Resolution:

Vendor Invoices:

Date:

Check # 16196-16204

6/25/14

\$3,934.50

Due 7/16/14

73,916.23

Total

\$77,850.73

PENTAMATION DATE: 06/25/2014 TIME: 10:43:04

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# MUNICIPAL UTILITY AUTHORITY

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FENTAMATION DATE: 07/11/2014 THEE 17:10			MUNICIPAL UTILITY AUTHORITY	THORITY		PAGE NUMBER: 3	
			CHECK REGISTER	~	7	ACCOUNTING PERIOD:	7/14
A01 - MUN	FUND - MUACL - MUN UTILITY AUTH	GEN FUND					
CHECK NUMBER CASH ACCT	DATE ISSUED	! ! !	VENDOR	ACCT	DESCRIPTION	AMOUNT	
10101	07/16/14	1928	TD BANK, NA	5047	NJEIT ADMIN FEES 2002/07	3,150.00	
10101	07/16/14	1928	ID BANK, NA	5047	NUEIT ADM FEE 03 LOAN	1,575.00	
10101 10101 TOTAL	07/16/14 07/16/14 CHECK	1938 1938	THE COUNTY OF WARREN THE COUNTY OF WARREN	5070 5070	GASOLINE APRL GASOLINE MAY	355.57 547.79 903.36	
10101	07/16/14	1985	TREASURER - STATE OF NJ	5049	ANNL PRMT FEE 47059	5,062.78	
10101	07/16/14	1985	TREASURER - STATE OF NJ	5049	ANNL PRMT FEE 47060	5,632.00	
FUND						73,916.23	
TOTAL REPORT						40 A10 F7	