WARREN COUNTY (PEQUEST RIVER) MUNICIPAL UTILITIES AUTHORITY

MINUTES November 12, 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 Sidney Deutsch Donald Niece Everdina O'Connor Philip Rosenberg Laurel Napolitani Robert Piazza Drew Kiszonak

Absent Absent 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.

Dan Olshefski, Authority Fiscal Analyst and Sean Sauder, Project Manager, CP Engineers were also present.

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

MINUTES

Mr. Deutsch moved and Ms. O'Connor seconded to approve the minutes of the October 15, 2014 regular meeting, as presented. The motion passed. Roll call was as follows:

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

Mr. Deutsch moved and Ms. O'Connor seconded to approve the minutes of the October 15, 2014 executive session, as presented. The motion passed. Roll call was as follows:

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

CORRESPONDENCE

Mr. Kiszonak entered the meeting.

Chairman Chamberlain recapped the correspondence that would not be discussed under the consultants' reports.

- 1. A Freshwater Wetlands Application dated October 6, 2014, from Jack and Vicki Shade, notifying the Authority that they have made application for a permit or approval to the NJDEP regarding property located at 139 Foul Rift Road, White Township.
- 2. A letter dated October 15, 2014, from Mr. Mikulka, C.P.M., Senior Project Manager, CP Engineers to Mr. Paull, Chief, Northern Bureau of Water Compliance & Enforcement, NJDEP, submitting Quarterly Progress Report #2, per the ACO, in regards to the Oxford WWTF.
- 3. A letter dated October 17, 2014, from Mr. Houck, CFO, to Ms. Zawartkay, Division of Local Government Services, Bureau of Authority Regulation, Department of Community Affairs, enclosing two certified copies of the FY2015 Operating and Capital Budget.
- 4. A letter dated October 20, 2014, from Mr. Mikulka, C.P.M., Senior Project Manager, CP Engineers to Ms. Martin, Municipal Finance & Construction Element, NJDEP, enclosing Payment Requisition #6 for Contract No. 12-01: Oxford WWTF Upgrade.
- 5. A letter dated October 20, 2014, from Ms. West, CCTS, Assistant VP, TD Wealth, to Mr. Houck enclosing rebate checks for trustee fees.
- 6. A letter dated October 30, 2014, from Mr. Chebra, P.E., Assistant Director, Municipal Finance & Construction Element, Division of Water Quality, NJDEP, to Mr. Wasser, Licensed Operator; recommending approval of Payment Requisition No. 6 for the Oxford WWTF Upgrade from the NJEIFP.
- 7. A letter dated October 31, 2014, from Mr. Donati, P.E., V.P., CPE to Mr. Wauhop, Authority Consultant enclosing a copy of Progress Payment Application No. 10, submitted by Tomar Construction Services for Contract No. 12-01: Oxford WWTF Upgrade.

- 8. A Notice dated November 3, 2014, from the owners of Stoneyfield Orchard, who have made application to the Warren County Agriculture Development Board for a site-specific agriculture management practice determination.
- 9. A letter dated November 5, 2014, from the NJDEP, Office of Quality Assurance, to Mr. Wasser, Laboratory Manager informing him of the results of an on-site audit of the laboratory at the Belvidere facility.
- 10. A Notice dated November 6, 2014, from the New Jersey Utility Authorities Joint Insurance Fund regarding public hearings for their 2015 proposed budget.
- 11. A letter dated November 5, 2014, from the NJDEP, Office of Quality Assurance, to Mr. Wasser, Laboratory Manager informing him of the results of an on-site audit of the laboratory at the Oxford facility.
- 12. A letter dated November 6, 2014, from Mr. Giordano, Assistant Commissioner, Central Bureau of Water & Land Use Compliance & Enforcement, NJDEP, with the results of a compliance inspection of the Belvidere WWTF.

CFO'S REPORT

Mr. Houck introduced Mr. Olshefski, who will be taking over for him when he retires at the end of the year.

All flow data from the users has been obtained and analyzed. Mr. Houck explained the information in more detail. There were only a few users whose flow changed by more than ten percent. He and Mr. Wauhop felt there were valid reasons for the fluctuations.

Mr. Wauhop explained the reason for the dramatic drop in readings from the A&P Shopping Center. He recommended the Board continue to use the historic data for billing the A&P. Mr. Houck also suggested Mr. Donati look into the use of the building and square footage of the building, and see how that compares to the State's projected flow criteria (which he felt may be outdated).

With regard to the county flow numbers, Mr. Houck recommended no changes be made for their 2015 billing, due to the potential sale of Warren Haven. Future billing for Warren Haven was discussed.

Mr. Houck suggested keeping the billing units for all users the same for at least one more year, revisiting the matter at the end of next year and make adjustments if warranted. While at the same time, investigate the A&P situation further. He reminded the commissioners that users are paying for capacity.

After further discussion, the Board agreed to keep the billing units for all users the same for 2015.

With regard to the monthly financial report, Mr. Houck said the MUA is on track and it does not appear there will be any issues before the end of the year.

Mr. Houck invited everyone to an informal farewell cocktail party to be held on December 29.

Mr. Houck and Mr. Olshefski left the meeting.

EXECUTIVE SESSION

At approximately 7:52 p.m., Mr. Scott moved to adopt Resolution #14-50 to enter into executive session to discuss a contract matter. Mr. Rosenberg seconded. All in favor, motion carried.

At approximated 8:02 p.m., Mr. Rosenberg moved and Ms. O'Connor seconded to return to open session. All in favor, motion carried.

GENERAL COUNSEL'S REPORT

Mr. Tipton had nothing to report.

ENGINEER'S REPORT

Mr. Donati's report was included in the agenda packets.

Oxford WWTF Upgrade: Mr. Donati and Mr. Sauder prepared a PowerPoint presentation for the commissioners. The presentation showed the existing layout and process and the upgraded layout and process, the progress to date, changes in the works and an updated schedule.

Mr. Wauhop would like to have certain trees removed at the Oxford site because they have become a maintenance issue and we need the area for snow removal. He would also like to maintain the construction road for future use.

Pictures showed the before and after condition of a sludge holding tank that had to be reconditioned. This work will be the subject of a future change order.

Tomar submitted Payment Request #10, for \$656,014.70, which CPE recommended for payment.

As stated on the Agenda, two change orders were submitted by Tomar. CP Engineers recommended approval of both. Mr. Wauhop had no issues with either change order.

Change Order #1 was for site piping changes. Mr. Sauder explained that there were a number of unforeseen conditions leading to necessary changes in piping. Those changes are reflected in the change order. He presented a resolution for consideration.

Mr. Scott moved to adopt Resolution #14-51, authorizing Chairman Chamberlain to execute Change Order #1 in the amount of \$18,602.75 for Contract No. 12-01. Ms. O'Connor seconded; the motion passed unanimously on a roll call vote.

Change Order #2 is for granting Tomar a 50-day extension on Contract No. 12-01. The new completion date is April 29, 2015.

Mr. Rosenberg moved to adopt Resolution #14-52, authorizing Chairman Chamberlain to execute Change Order #2, which grants Tomar an additional 50 days on Contract No. 12-01. Mr. Scott seconded. The motion passed. Roll call was as follows:

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

AUTHORITY CONSULTANT

Mr. Wauhop distributed his report prior to the meeting.

Belvidere STP: He recapped maintenance items performed during the month. Chiefly among those items were numerous welding jobs and removal of the old heating unit from the roof of the Water Street pump station.

New lighting was installed on the outside of the administration building.

Oxford STP: He recapped maintenance items performed during the month.

General Business: We are still working on the foam issue at the Belvidere facility.

Confined Space: Mr. Wauhop scheduled the mask fittings for Friday.

As discussed at the last meeting, Mr. Wauhop presented a resolution for the sale of the standby generator formerly used at the Axford Avenue pump station. There has been a lot interest from various parties in purchasing the generator.

Mr. Niece moved to adopt Resolution #14-53, granting authorization to sell the Kohler standby generator via a third party online auction. Mr. Rosenberg seconded. All in favor, motion carried.

Mr. Wauhop requested authorization to advertise for bids for the annual chemical contract. He and Mr. Donati have reviewed the chemicals needed for next year.

Mr. Niece moved to advertise for bids for the annual chemical contract for 2015. Mr. Scott

seconded. All in favor, motion carried.

Mr. Wauhop is in receipt of a proposal from CP Engineers, for the design and bid phases of upgrading the Warren Haven #1 and/or Warren Haven #2 pump stations for \$22,000.

Mr. Scott moved to award the contract to CP Engineers for the design and bid phases of upgrading the Warren Haven #1 and/or Warren Haven #2 pump stations for \$22,000. Ms. O'Connor seconded. The motion passed unanimously on a roll call vote.

For reasons discussed earlier, Mr. Wauhop recommended removing the trees on the north side of the Oxford service building. He will obtain a quote for the cost of tree removal. In addition, the lighting poles on the north side of the service building have not worked for a long time. He recommended taking those poles down and maybe donating or auctioning them off, and placing lights on the front and back of the building.

FINANCE

Mr. Rosenberg moved that Resolution #14-54 (Certificate No. 340: \$48,191.30) be approved to pay all bills from the Operating Fund. Ms. O'Connor seconded. The motion passed unanimously on a roll call vote.

Mr. Scott moved that Resolution #14-55 (Certificate No. 348: \$716,130.42) be approved to pay all the bills from the Capital Improvements Fund. Mr. Kiszonak seconded. The motion passed unanimously on a roll call vote.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

There was no new business.

PUBLIC COMMENT

Mayor Pasquini, Township of Oxford, was present to express Oxford's interest in the standby generator that the Authority will be selling. Hearing that there is a great deal of interest from other parties, he looks forward to the auction. He also expressed interest in the lighting poles that the Authority will be removing.

Former Oxford Committeeman Bray asked for clarification on our retired and anticipated Debt Service, the 2015 budget, and new user rate. Chairman Chamberlain briefly elucidated on the matter and referred Mr. Bray to our CFO for specifics. Mr. Donati and Mr. Niece interjected with further information. The increase in the user rate will be small but was unknown at that time.

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 9:01 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 matter

- 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 UTILITIES AUTHORITY Chad Chamberlain, Chairperson

Laurel Napolitani, Secretary

DATED: November 12, 2014

RESOLUTION RE: AUTHORIZATION FOR CHAIRMAN TO EXECUTE CHANGE ORDER NUMBER 1 TO WC(PR)MUA CONTRACT NO. 12-01: OXFORD WASTEWATER TREATMENT FACILITY UPGRADE

WHEREAS, the Warren County (Pequest River) Municipal Utilities Authority and Tomar Construction Services, Inc. entered into a Contract, with said Contract having a Notice to Proceed date of December 10, 2013, for the construction of the Oxford Wastewater Treatment Facility Upgrade - Contract No. 12-01; and

WHEREAS, in the course of performing the Work required under said Contract, a number of changes to the Work were deemed necessary due to unforeseen condition; and

WHEREAS, Change Order Number 1 has been prepared by the Authority's Resident Engineer, which results in a net increase in the Contract Price of eighteen thousand six hundred and two dollars and seventy-five cents(\$18,602.75), and an increase in Contract Time of zero (0) calendar days for said work consisting of the following:

	Total		
		\$18,602.75	
9.	TOF Pipe Line under ductbank	\$1,695.00	
8.	FOG, DWFM under unknown duct banks	\$1,725.00	
7.	WAS & OCP Pipe Lines	\$1,476.00	
6.	Excavation around unknown pipes	\$510.00	
5.	Unknown Piping Discovery	\$1,140.00	
4.	WAS Pipe Elevation Change	\$1,657.50	
3.	WAS Pipe Capping	\$637.50	
2.	Thickened Sludge Overflow Pipe	\$3,915.00	
1.	Electrical Ductbank Test Pit	\$2,635.00	

Total

WHEREAS, the Resident Engineer and Authority Consultant have reviewed said Change Order and found it to be necessary and the price to be reasonable.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Warren County (Pequest River) Municipal Utilities Authority that the Chairman is hereby authorized and directed to execute Change Order Number 1 to Contract No. 12-01, which reflects the work outlined above and contained in Change Order Number 1, at an increase in Contract Cost of eighteen thousand six hundred and two dollars and seventy-five cents (\$18,602.75), and with an increase in Contract Time of zero (0) calendar days.

AND BE IT FURTHER RESOLVED that executed copies of Change Order Number 1 to Contract No. 12-01 shall be distributed by the Resident Engineer, to all appropriate parties.

WARREN COUNTY (PEQUEST RIVER) MUNICIPAL UTILITIES AUTHORITY

By:

Chad Chamberlain, Chairman

CERTIFICATION

I, Laurel Napolitani, Secretary of the Warren County (Pequest River) Municipal Utilities Authority, do certify the foregoing to be a true copy of a memorializing resolution adopted by a majority of all members of the Authority at a regular meeting of the Authority held on November 12, 2014.

Laurel Napolitani, Sécretary

RESOLUTION RE: AUTHORIZATION FOR CHAIRMAN TO EXECUTE CHANGE ORDER NUMBER 2 TO WC(PR)MUA CONTRACT NO. 12-01: OXFORD WASTEWATER TREATMENT FACILITY UPGRADE

WHEREAS, the Warren County (Pequest River) Municipal Utilities Authority and Tomar Construction Services, Inc. entered into a Contract, with said Contract having a Notice to Proceed date of December 10, 2013, for the construction of the Oxford Wastewater Treatment Facility Upgrade -Contract No. 12-01; and

WHEREAS, due to extreme weather conditions during the first quarter of 2014, Tomar Construction Services, Inc. could not start or progress with productive work which resulted in an overall delay; and

WHEREAS, Tomar Construction Services, Inc. submitted a delay claim to the Authority on June 10, 2014 requesting 78 days of Contract Time extension; and

WHEREAS, the Authority's Resident Engineer reviewed the claim based upon actual site records and forwarded the request to NJDEP Northern Bureau of Water Compliance and Enforcement for consideration under the Force Majeure provisions of the Authority's Administrative Consent Order; and

WHEREAS, the NJDEP and the Authority's Resident Engineer agreed that fifty (50) days Contract Time extension was reasonable and the NJDEP granted the Force Majeure request in a letter dated August 18, 2014.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Warren County (Pequest River) Municipal Utilities Authority that the Chairman is hereby authorized and directed to execute Change Order Number 2 to Contract No. 12-01, which reflects an increase in Contract Time of fifty (50) calendar days.

AND BE IT FURTHER RESOLVED that executed copies of Change Order Number 2 to Contract No. 12-01 shall be distributed by the Resident Engineer, to all appropriate parties.

WARREN COUNTY (PEQUEST RIVER) MUNICIPAC OTILITIES/AUTHORITY By:

Chad Chamberlain, Chairman

CERTIFICATION

I, Laurel Napolitani, Secretary of the Warren County (Pequest River) Municipal Utilities

Authority, do certify the foregoing to be a true copy of a memorializing resolution adopted by a majority of all members of the Authority at a regular meeting of the Authority held on November 12, 2014.

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RESOLUTION #14-53

RESOLUTION GRANTING AUTHORIZATION TO AUCTION ONLINE AN ITEM BELONGING TO THE WARREN COUNTY (PEQUEST RIVER) MUNICIPAL UTILITIES AUTHORITY.

WHEREAS, the Warren County (Pequest River) Municipal Utilities Authority, hereinafter "Authority", is presently storing the following item no longer needed for use:

Kohler Power Systems Fast-Response 11 Standby Generator Set Model: 20-180ROZJ (John Deere Driven) 1993 Running Hours 401.3, Needs New Gas Tank

; and

WHEREAS, the Authority desires to authorize the auction of the surplus equipment with an on-line auction with US Gov Bid, a division of Auction Liquidation Services, Eatontown, for 3.5% full service package said vendor "approved" by the Division of Local Government Services as noted in LFN 2008-09 and LFN 2008-212-3-08 Sections 1 and 2.

BE IT RESOLVED, by the Authority pursuant to the provisions of N.J.S.A. 40A:11-36, that the said equipment, be and the same are hereby ordered to be disposed of by Public Online Auction, beginning Monday, December 8, 2014 beginning at 9:00 a.m. prevailing time and ending on Friday, December 12, 2014 at 6 p.m.

BE IT FURTHER RESOLVED, that Notice of said sale be published and in the newspaper at least seven (7) days prior to sale;

BE IT FURTHER RESOLVED, that all items shall be sold to the highest bidder, and the terms of the sale shall be sold as is and where is, without warranty or guarantee of any kind, upon payment of the full amount, subject to all lawfully advertised terms and restrictions;

NOW, THEREFORE, BE IT RESOLVED, that the Authority Consultant is hereby authorized and directed to perform all acts and to execute, on behalf of this body, all documents required by Statute or this Resolution to effectuate said sale.

CERTIFIED AS A TRUE COPY OF THE RESOLUTION ADOPTED BY THE WARREN COUNTY (PEQUEST RIVER) MUNICIPAL UTILITIES AUTHORITY AT ITS REGULAR MEETING HELD ON WEDNESDAY, NOVEMBER 12, 2014.

Chad Chamberlain, Chairman

RESOLUTION RE:

EXPENDITURES FROM THE OPERATING FUND DURING THE MONTH OF NOVEMBER 2014.

I HEREBY CERTIFY, that the bills listed on the attached Resolution of November 12,

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

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Certificate No. OF 340

Dated: November 12, 2014

Moved by: Mr. Rosenberg

Seconded by: <u>Ms. 0'Connor</u>

Yes <u>7</u>

No <u>0</u>

Abstain _0___

Absent 2

APPROVAL OF BILLS TO BE PAID FROM THE OPERATING FUND

Meeting: November 12, 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 # 16381-16385

10/24/14\$1,265.23Due 11/12/1446,926.07Total\$48,191.30

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16383	10101	10/24/14	1340	NEW JERSEY AMERICAN WATER	5072	WATER1018210024356407	1	2.88	
16384	10101	10/24/14	1440	ONE CALL CONCEPTS, INC.	5024	ONE CALL LOCATES 8/14		3.66	
16385	10101	10/24/14	2140	VERIZON WIRELESS	5076	MOBILE PHONES & OCCS	9	3.35	
TOTAL FUR	٩D						1,26	5.23	
TOTAL REI	PORT						1,26	5.23	

PENTAMATION DATE: 11/07/2014 TIME: 09:22:21

MUNICIPAL UTILITY AUTHORITY CHECK REGISTER

PAGE NUMBER: 1 VENCHK11 ACCOUNTING PERIOD: 11/14

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PENTAMATION DATE: 11/07/2014 TIME: 09:22:21

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MUNICIPAL UTILITY AUTHORITY CHECK REGISTER

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TOTAL REPORT

TOTAL FUND

77.91 10.00 87.91 46,926.07 46,926.07

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#### **RESOLUTION RE:**

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

I HEREBY CERTIFY that the bills listed for CAPITAL IMPROVEMENTS are in

accordance with the Authority's budget.

Chad Chamberlain, Chairman

Laurel Napolitàni Secretary

Certificate No. CI 348

Dated: November 12, 2014

Moved by: Mr. Scott

Seconded by: <u>Mr. Kiszonak</u>

Yes _7___

No _____

Abstain 0

Absent 2

# CAPITAL IMPROVEMENT BILLS LIST November 12, 2014

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	CP Engineers, LLC Period: October 2014 Engineering Services Axford Avenue Pump Station Rehab		\$321.75
2.	CP Engineers, LLC Period: October 2014 Engineering Services		
	Construction Services Oxford WWTP Upgrade		57,704.57*
3.	Certified Testing Laboratories, Inc. Concrete Testing Oxford WWTP Upgrade		2,089.40*
4.	Tomar Construction Services, Inc. Payment Application #10 Contract No. 12-01		
	Oxford WWTP Upgrade		<u>656,014.70</u> *
		Total	\$716,130.42

* Bills to be submitted by CPE to request reimbursement from the NJEIT Financing Program