

WARREN COUNTY (PEQUEST RIVER) MUNICIPAL UTILITIES AUTHORITY

SPECIAL MEETING MINUTES October 7, 2015

Chairman Chamberlain called the special 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	Everdina O'Connor	Absent
Morris Scott, Jr., Vice Chairman		
Laurel Napolitani, Secretary		
Robert Piazza, Treasurer		
Sidney Deutsch		
Drew Kiszonak		
Donald Niece		
Philip Rosenberg		

Also, in attendance were:

Brian Tipton, Esq., Authority Legal Counsel; Katharine Fina, Esq., Authority Legal Counsel; Daniel Olshefski, Authority Chief Financial Officer; Kim Francisco, Authority Fiscal Officer; 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.

Chairman Chamberlain noted there were two guests who wished to address the Board; he asked fellow commissioners if they had any objections to allowing their matter to be discussed before going into executive session. No objections were made.

Pio Maninno, owner of Pizza Mia, and the La Torre Plaza currently under construction, asked the Board members if they would allow him to pay his connection fee for \$36,531 in monthly installments over a three-year period. He explained his reasons for the request.

Chairman Chamberlain told Mr. Maninno that his request was certainly understandable, but the Board would need time to consider his request because he did not believe there was any precedent for this in the past. He asked for Mr. Tipton's opinion.

Because there is not a mechanism in the Authority's Service Rules for a payment plan, Mr. Tipton recommended establishing and authorizing a subcommittee to look into this issue along with the rates that we looked at in the past, evaluate it over the next month or two and come back with a recommendation to the full Board. Should the Board wish to grant Mr. Maninno's request, Mr. Tipton said the Authority should create a mechanism in our Service Rules. He asked Pio Maninno if he needed any action by this Authority for the County.

Antonio Maninno, Pio's brother, believes the County is looking for the Authority's approval that everything is okay in order to get some permits from the County.

Mr. Tipton suggested issuing a letter advising the County that the Authority has given its approval for the \$36,531 connection fee, the connection itself, and leave the payment plan as something to be negotiated between the owner and us. The Authority could let Pio know whether or not the Board will allow him to pay the connection fee in installments once we have done our due diligence on the matter.

Mr. Scott made a motion to authorize Mr. Donati and Mr. Tipton to notify the County as needed that this step of the process has been satisfied for the new La Torre Plaza. Mr. Rosenberg seconded. All in favor, motion carried.

Pio and Antonio Maninno thanked the Board and left the meeting.

EXECUTIVE SESSION

At approximately 7:40 p.m., Mr. Scott moved and Mr. Deutsch seconded to adopt Resolution #15-46, to enter into an executive session to discuss contract related matters. All in favor, motion carried.

At 8:39 p.m., Mr. Scott moved and Mr. Rosenberg seconded to return to open session. All in favor, motion carried.

For the record, Mr. Tipton stated the procedure for termination of Contract No. 12-01: Oxford WWTF Upgrade. The contract documents permit the Authority to terminate the contract for cause at any time. The basis for termination are: (1) persistent failure to perform the work in accordance with the contract documents, including, but not limited to, failure to supply sufficient skilled workers or suitable materials or equipment or failure to adhere to the progress schedule, as adjusted from time to time, (2) the disregard of laws and regulations of any public body, (3) the repeated disregard of the Authority or engineer and (4) a violation in any substantial way of any provisions of the contract documents. He said the contract is a contract that is time of the essence, so failure to adhere to the schedule repeatedly is a basis for a material breach, and would permit a termination according to New Jersey case law.

Mr. Scott made a motion to send a Notice of Termination to Tomar Construction Services, because Tomar has substantially failed to meet schedules repeatedly, failed to supply sufficient labor, equipment and materials, among other things, and those other reasons. Mr. Rosenberg

seconded. The motion passed unanimously on a roll call vote.

Since the Authority has determined that the State's administrative code for determining connection fees is sometimes antiquated and not accurate for our purposes, Chairman Chamberlain requested a subcommittee be established to evaluate what those charges should be, and how appropriate going forward also consider the topic of payment plans. He asked for a volunteer to chair the subcommittee.

Mr. Piazza volunteered to chair the subcommittee. Ms. Napolitani, Mr. Rosenberg and Mr. Deutsch volunteered to be on the subcommittee.

PUBLIC COMMENT

There was no public present.

As there was no more business to come before the Authority, Mr. Scott moved and Mr. Niece seconded that the meeting be adjourned. All in favor, motion carried. The meeting was adjourned at 8:43 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

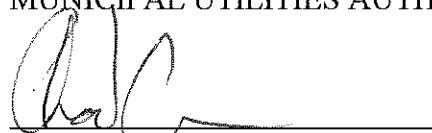
WHEREAS, this public body is of the opinion that such circumstances presently exist.

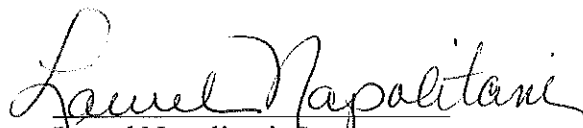
NOW, THEREFORE, BE IT RESOLVED by the Warren County (Pequest River) Municipal Utilities Authority of the Township of White, County of Warren and State of New Jersey, as follows:

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 UTILITIES AUTHORITY


Chad Chamberlain, Chairman


Laurel Napolitani, Secretary

DATED: October 7, 2015