# WARREN COUNTY (PEQUEST RIVER) MUNICIPAL UTILITIES AUTHORITY

# **MINUTES** October 24, 2013

Absent

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. Laurel Napolitani, Secretary Everdina O'Connor Absent Robert Piazza, Treasurer Sidney Deutsch Drew Kiszonak **Donald Niece** Philip Rosenberg

Also, in attendance were:

Charles L. Houck, Authority Chief Financial Officer; Stephen Donati, P.E., Authority Engineer; Brian Tipton, Esq., Authority Legal Counsel; 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. Piazza moved and Ms. Napolitani seconded to approve the minutes of the September 18, 2013 regular meeting, as presented. The motion passed; roll call was as follows:

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

#### CORRESPONDENCE

Ms. Napolitani recapped the correspondence listed below:

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- 1. A letter dated August 2, 2013, from the NJDEP to the Authority, enclosing an approved revised Treatment Works Approval for the Oxford WWTP Upgrade.
- 2. A letter dated September 18, 2013, from Stanford Risk Management Services to Mr. Wauhop regarding risk management consulting services.
- 3. A letter dated September 26, 2013, from Mr. Sauder, Project Manager, CP Engineers to the Delaware River Basin Commission enclosing a set of plans and specs of the Oxford WWTP Upgrade.
- 4. A letter dated October 1, 2013, from Mr. Guida, Collection System Operator for the Township of Oxford, submitting the township's monthly collection system report.
- 5. A memo dated October 7, 2013, from the Municipal Excess Liability JIF to all members regarding training seminars for elected and appointed officials in an effort to reduce members' premiums.
- 6. A letter dated October 9, 2013, from Mr. Mikulka, C.P.M., CP Engineers to Mr. Cavanagh, Principal Environmental Specialist, Northern Bureau of Water Compliance & Enforcement, NJDEP, in response to concerns about the alleged lack of benthic organisms in the effluent discharge channel from the Oxford WWTP.
- 7. A letter dated October 9, 2013 from Mr. Betz, Acting Bureau Chief, Bureau of Environmental & Engineering Reviews, Municipal Finance & Construction Element, NJDEP, acknowledging receipt and approval of Addendum #1 for the Oxford WWTF Upgrade Contract #12-01.
- 8. A letter dated October 22, 2013, from Mr. Tipton, Esq., Florio Perrucci Steinhardt & Fader to the NJDEP, Bureau of Construction and Connection Permits concerning the NJEIFP award conditions.
- 9. A letter dated October 24, 2013, from Mr. Donati, P.E., V.P., CP Engineers to Mr. Wauhop, Authority Consultant with the bid evaluation and award recommendation for the Oxford Wastewater Treatment Plant Upgrade Contract No. 12-01.

#### CFO'S REPORT

At this point, Mr. Houck does not think a budget amendment will be needed for the FY2013 budget. Should an amendment be needed, there are two more meetings before the end of this year.

He prepared the official documents for introduction of the FY2014 Budget, as discussed at last month's meeting. Copies were included in the commissioners' agenda packets. The budget will be submitted to the State for approval. The budget will be discussed in more detail at the annual

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public rate hearing in December; its adoption will take place at the regular meeting, which will immediately follow the public rate hearing.

Mr. Rosenberg moved to adopt Resolution #13-35, for approval of the introduced FY2014 Annual Operating and Capital Budgets, and to certify the FY2014 Annual Budget, including the Supplemental Schedules, and the FY2014 Capital Budget Program as presented. Mr. Piazza seconded. The motion passed unanimously on a roll call vote.

Regarding discussion last month about mandating direct deposit for all employees, the Board took no action on the matter. Mr. Wauhop will poll the employees for their opinion.

Mr. Houck distributed an analysis of the bid results for the Oxford WWTP Upgrade. He added a 10% contingency of \$864,290 to the lowest bid of \$8,642,900, and \$2,695,000 for design and engineering fees (including permits). He estimated the total upgrade costs might be \$12.2 to \$12.5 million. Page two of the analysis shows what is budgeted for 2014 for our existing debt service. Page 3 shows the annual totals for current debt service from 2014 – 2023. Our paying agent is already holding the bond payment for 2016, so that amount does not need to be considered for the FY2016 budget. Therefore, there are two more years of current debt service to worry about and the Authority needs to decide how much it wants to borrow. The low interest rate (about 1%) is still in effect from the Trust. We currently pay a half million dollars annually for bond payments, so borrowing ten million would have no impact on our operating budget in the future. We have sufficient cash reserves to get us through the next two years. Alternatively, we could borrow the full twelve million and have two million dollars available for other large capital projects in the near future. He did not recommend borrowing the money and then giving a rate relief or subsidizing operating expenses, because it may cause problems in the future. The decision does not have to be made now. He said we are in an enviable position and was elated with the bid results.

Mr. Wauhop said we might look at the opportunity to borrow the twelve million to protect ourselves against the contractor for the upgrade or future capital projects. He will discuss this further with Mr. Donati.

Mr. Donati suggested the Board be prepared to make a decision on how much to borrow by the next meeting. Mr. Houck said nothing prevents us from borrowing the maximum amount, and then putting the money in escrow to use for reducing our annual debt service or to pay the debt off early.

Mr. Houck explained the reason for the bill from BLX that is included in the bills list. Every five years we are required to do an Arbitrage Rebate Report for the bonds that were issued. We are also required to do a report when the final bonds are paid in 2016. No more reports will be required afterward.

Mr. Houck left the meeting.

#### GENERAL COUNSEL'S REPORT

Regarding correspondence #8, Mr. Donati directed Mr. Tipton to prepare this letter to meet conditions set by the Trust for Contract #12-01.

Mr. Donati prepared the resolution for awarding the contract to the lowest bidder and Mr. Tipton reviewed the resolution.

Mr. Piazza asked if he conducted any research on the lowest bidder. Mr. Tipton said that Mr. Donati did and deferred comment to him. John Neary from Mr. Tipton's office reviewed the bid documents from the lowest bidder. Other than a minor discrepancy, Mr. Neary did not find anything that would require disqualification. From what Mr. Donati told him, Mr. Tipton did not see any legal basis to deny awarding the contract to the lowest bidder.

A few of the commissioners expressed concern because the bid was so low. Mr. Niece hoped Mr. Donati performed an extensive background check, because he does not want to see a similar situation as with Klipper Construction.

Mr. Tipton explained that the resolution has a condition for General Counsel's continued review, because his office just received the three lowest bids on Tuesday. He has not seen the lowest bid but plans to and if he is made aware of additional information, he will give legal counsel as to the options available. He does not think it wise for the Board to bypass the lowest bidder at this time. However, the Board makes the final decision.

#### ENGINEER'S REPORT

Regarding correspondence #6, Mr. Donati explained the situation in more detail. A DEP inspector and the operations staff at the Oxford STP responded to the complaint. An effluent sampling plan was implemented and no violations were found. The DEP said that the matter is closed for the time being.

Oxford Upgrade Bid: The bids were opened on October 16, and Mr. Donati expressed his appreciation to the commissioners for accommodating the delay and rescheduling the October meeting. Tens bids were received. His letter of recommendation (corr. #9) was distributed to the commissioners before the meeting. CP Engineers conducted a thorough review and evaluation of the bids. In general, there were no real issues with the lowest bidder Tomar Construction. CPE checked their references and met with the owner and chief estimator at the Oxford plant earlier this week to insure no mistakes were made. Tomar will be doing almost all of the work themselves, this enables them to pass the savings on to the Authority. They are also passing on the discount from Nova Filter; there are numerous reasons why their bid was so low. They have done several large projects for other government agencies in New Jersey.

Mr. Piazza moved to adopt Resolution #13-36, awarding Contract No. 12-01 for construction of the Oxford WWTF Upgrade to the Tomar Construction, as the lowest responsive and responsible bidder, for a bid price of \$8,642,900. The award is contingent upon General Counsel's final

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review, and authorization from the Trust to advertise. Mr. Rosenberg seconded. The motion passed unanimously on a roll call vote.

Oxford Upgrade Schedule: Bonds and insurance documents must be obtained from the contractor and reviewed. If everything is found to be satisfactory, the agreement will be sent to the contractor for signature and then at our November meeting the Authority can execute the agreement. The Notice to Proceed can then be issued and a preconstruction meeting will be held within 10 days.

#### **AUTHORITY CONSULTANT**

Mr. Wauhop distributed his report before the meeting. He recapped some of the maintenance items performed within the last month.

Work has begun as a result of the PEOSH inspection. No report has been received yet.

As a follow up to the bulk of work done in the summer, Mr. Wauhop extended the work period of our summer helper beyond 13 weeks. His focus was to get all the painting finished at both plants because next summer we will be in the middle of the upgrade.

Under general business, monitoring the performance of the Oxford plant continues. Mr. Wauhop displayed and explained the updated charts. More readings will be taken. He felt the Authority was ready to meet with PCFA to discuss TDS and leachate.

The new Oxford plant is designed to handle leachate; the original plant was not.

The annual chemical contract will expire on January 31, 2014. The bid threshold is \$36,000 and the lowest bid for this year was about \$33,000. There was discussion as to the length of a new contract, because the upgrade will change the chemical requirements. Bulk deliveries were also discussed. Mr. Donati will speak with Mr. Oliva about the chemical needs due the upgrade being in the process of construction next year. Mr. Tipton recommended further discussion before any action is taken.

Mr. Wauhop requested authorization to advertise for bids for rehab of the Axford Avenue pump station. The drawings and specs are finished. He was hoping to have the bids received and a contract ready for execution at our December meeting.

Mr. Piazza moved to advertise for bids for Contract No. 13-02, for rehab of the Axford Avenue pump station. Mr. Niece seconded. The motion passed unanimously on a roll call vote.

Regarding the confined space issue discussed last month, Mr. Niece stated that Oxford Township does not have anyone certified for Confined Space. Either does the town of Belvidere, said Ms. Napolitani. Mr. Wauhop will do further research on the matter.

Mr. Wauhop continues to work on the rag issue at the Belvidere facility.

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Mr. Wauhop had a request from the Red Cross and the Belvidere Emergency Management Committee to see if the Authority would allow our conference room to be used in the event of an emergency (i.e., Superstorm Sandy). In the event of a power failure, a generator powers our building. The room could be used as a warming and charging station.

Mr. Piazza moved that the Authority be included in Belvidere's Emergency Management Plan. Mr. Niece seconded the motion. All in favor.

Mr. Tipton recommended having this action conditional upon discussing this with our risk manager.

Mr. Wauhop was contacted by Nature's Choice, who asked to meet with him for 15 minutes. Mr. Piazza cautioned Mr. Wauhop because in the past Nature's Choice refused to set up an escrow account to cover our professionals' fees, so Mr. Donati cannot be included in the meeting at this time. Mr. Wauhop will meet with them for 15 minutes.

#### FINANCE (TREASURER)

We are in good shape financially, said Mr. Piazza.

Mr. Piazza moved that Resolution #13-37 (Certificate No. 327: \$55,646.90) be approved to pay all bills from the Operating Fund. Mr. Rosenberg seconded. The motion passed unanimously on a roll call vote.

Mr. Piazza moved that Resolution #13-38 (Certificate No. 335: \$46,028.84) be approved to pay all bills from the Capital Improvements Fund. Mr. Rosenberg 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**

There was no public present.

#### **EXECUTIVE SESSION**

None.

As there was no more business to come before the Authority, Mr. Niece moved and Mr. Rosenberg seconded that the meeting be adjourned. All in favor, motion carried. The meeting was adjourned at 9:08 p.m.

Patricia Kaspereen

Patricia Kaspereen Administrative Assistant

# 2014 Authority Budget Resolution Warren County (Pequest River) Municipal Utilities Authority

#### FISCAL YEAR: FROM January 1, 2014 TO December 31, 2014

WHEREAS, the Annual Budget and Capital Budget for the Warren County (Pequest River) Municipal Utilities Authority (Warren County (PR) MUA) for the fiscal year beginning, 1/1/14 and ending, 12/31/14 has been presented before the governing body of the Warren County (PR) MUA Authority at its open public meeting of October 24, 2013; and

WHEREAS, the Annual Budget as introduced reflects Total Revenues of \$ 2,888,926, Total Appropriations, including any Accumulated Deficit if any, of \$ 2,888,926 and Total Unrestricted Net Assets utilized of \$0; and

WHEREAS, the Capital Budget as introduced reflects Total Capital Appropriations of \$8,397,000 and Total Unrestricted Net Assets planned to be utilized as funding thereof, of \$0; and

WHEREAS, the schedule of rates, fees and other charges in effect will produce sufficient revenues, together with all other anticipated revenues to satisfy all obligations to the holders of bonds of the Authority, to meet operating expenses, capital outlays, debt service requirements, and to provide for such reserves, all as may be required by law, regulation or terms of contracts and agreements; and

WHEREAS, the Capital Budget/Program, pursuant to N.J.A.C. 5:31-2, does not confer any authorization to raise or expend funds; rather it is a document to be used as part of the said Authority's planning and management objectives. Specific authorization to expend funds for the purposes described in this section of the budget, must be granted elsewhere; by bond resolution, by a project financing agreement, by resolution appropriating funds from the Renewal and Replacement Reserve or other means provided by law.

NOW, THEREFORE BE IT RESOLVED, by the governing body of the Warren County (PR) MUA Authority, at an open public meeting held on October 24, 2013 that the Annual Budget, including appended Supplemental Schedules, and the Capital Budget/Program of the Warren County (PR) MUA Authority for the fiscal year beginning, 1/01/14 and ending, 12/31/14 is hereby approved; and

BE IT FURTHER RESOLVED, that the anticipated revenues as reflected in the Annual Budget are of sufficient amount to meet all proposed expenditures/expenses and all covenants, terms and provisions as stipulated in the said Authority's outstanding debt obligations, capital lease arrangements, service contracts, and other pledged agreements; and

BE IT FURTHER RESOLVED, that the governing body of the Warren County (PR) MUA Authority will consider the Annual Budget and Capital Budget/Program for adoption on December 18, 2013.

(Secretary's Signature)	Laurel Napolitani	October 24, 2013 (Date)							
Governing Body			Recor	ded Vote					
Member:	Motion by	Second by	Aye	Nay	Abstain	Absent			
Sidney Deutsch			x						
Drew Kiszonak			Х						
Laurel Napolitani			X						
Donald Niece			X						
Everdina O'Connor						х			
Robert Piazza		Х	х						
Phillip Rosenberg	Х		Х						
A. Morris Scott, Jr.			,,			х			
Chad Chamberlain			Х			^			
		Page 2							

RESOLUTION RE: AWARDING WARREN COUNTY (PEQUEST RIVER) MUNICIPAL UTILITIES AUTHORITY CONTRACT NO. 12-01 FOR CONSTRUCTION OF THE OXFORD WASTEWATER TREATMENT FACILITY UPGRADE TO TOMAR CONSTRUCTION, LLC

WHEREAS, it is necessary that the Warren County (Pequest River) Municipal Utilities Authority ("Authority") proceed with the construction and implementation of the Oxford Wastewater Treatment Facility Upgrade to meet more stringent effluent limits imposed by the NJDEP under the facilities NJPDES Permit No. NJ0035483; and

WHEREAS, bid documents for construction of the Oxford Wastewater Treatment Facility Upgrade were developed by the Authority's Consulting Engineer and approved by the Authority's staff; and

WHEREAS, the Authority advertised for bids in accordance with N.J.S.A. 40A:11-23; and

WHEREAS, sealed bids were received and opened by the Authority on October 16, 2013 in accordance with the Contract Documents and Local Public Contracts Law, N.J.S.A. 40A:11-1 et. seq.; and

WHEREAS, the bids were reviewed by the Authority's staff and Consulting Engineer who have recommended award to Tomar Construction, LLC (hereinafter "Tomar"), as the lowest responsive and responsible bidder, for a bid price of \$8,642,900; and

WHEREAS, based on recommendations of its staff and professionals, the Authority has determined that Tomar is the lowest responsive and responsible bidder; and

WHEREAS, the Authority's Treasurer has certified that funds for said contract services are available through low interest loans from the New Jersey Environmental Infrastructure Financing Program; and

NOW, THEREFORE, BE IT RESOLVED, by the Commissioners of the Warren County (Pequest River) Municipal Utilities Authority, as follows:

- 1. That Contract No. 12-01 be awarded to Tomar Construction, LLC, as the lowest responsive and responsible bidder, contingent upon concurrence of General Counsel.
- 2. That formal award of Contract No. 12-01 can only occur after "Authorization to Advertise" has been granted by the New Jersey Environmental Infrastructure Financing Program.
- 3. That, as conditioned above, the Authority's Consultant is hereby authorized and directed to award, on behalf of the Authority, Contract No. 12-01 to Tomar Construction, LLC at a Total Contract Price of \$\$8,642,900.

Certified as a true copy of the Resolution adopted by the Authority at their Regular Meeting held on Thursday, October 24, 2013.

Laurel Napolitani Secretary

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### **RESOLUTION RE:**

# EXPENDITURES FROM THE OPERATING FUND DURING THE MONTH OF OCTOBER 2013.

I HEREBY CERTIFY, that the bills listed on the attached Resolution of October 24, 2013, regarding payment of bills from the Operating Fund were for the operating expenses and were in accordance with the Authority's 2013 budget.

Chad Chamberlain, Chairperson

Laurel Napolitani Secretary

Certificate No. OF 327

Dated: October 24, 2013

Moved by: Mr. Piazza

Seconded by: Mr. Rosenberg

Yes \_7\_

No <u>0</u>

Abstain \_0\_

Absent 2

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

## Meeting: October 24, 2013

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 # 15788-15798

9/23-10/4/13

\$13,717.11

Due 10/24/13

41,929.79

Total

\$55,646.90

PENTAMATION DATE: 09/23/2013 TIME: 11:17:10

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PENTAMATION DATE: 10/04/2013 TIME: 10:44:30

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MUNICIPAL UTILITY AUTHORITY CHECK REGISTER

PAGE NUMBER: 1 VENCHK11 ACCOUNTING PERIOD: 10/13

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TOTAL REPORT

PENTAMATION DATE: 10/21/2013 TIME: 09:26:55 FUND - MUA@1 - MUN UTILITY AUTH GEN FUND

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PENTAMATION DATE: 10/21/2013 TIME: 09:26:55

MUNICIPAL UTILITY AUTHORITY CHECK REGISTER

PAGE NUMBER: 3 VENCHK11 ACCOUNTING PERIOD: 10/13

AMOUNT	1,406.00 112.00 1,231.00 6,134.50	726.00	25.95	185.69 3.99 13.07 271.89	167.07	100.00	477.26	156.53	41,929.79	41,929.79
DESCRIPTION	LAB ANALYSIS LAB ANALYSIS LAB ANALYSIS	INFLUENT PUMP REPAIR OXF	MAINT TAPE	MAINT	STIPEND OCTOBER	REIMBURSE LICENSE RENEWAL	MOTOR FUEL AUGUST	PARTS J DEERE TRACTOR		
ACCT	5509 5509 5509	5024	5024 5024 5024	5024 5024 5024	5011	5710	5070	5024		
VENDOR	OC LABORATORIES INC. OC LABORATORIES INC. OC LABORATORIES INC.	R & R PUMP & CONTROL SERV	GENERAL GENERAL GENERAL	GENERAL	ROSENBERG, PHILIP H.	SCHNORRBUSCH, JAMES	THE COUNTY OF WARREN	WARREN COUNTY SERVICE CEN		
1	1630 1630 1630	1710	1741 1741 1741	1741	1765	1836	1938	2220		
DATE ISSUE	10/24/13 10/24/13 10/24/13 CHECK	10/24/13	10/24/13 10/24/13 10/24/13	10/24/13 10/24/13 THECK	10/24/13	10/24/13	10/24/13	10/24/13		
ER CASH ACCT	16161 16161 16161 TOTAL (	10101	10101 10101 10101	FAL	10101	10101	10101	10101	FUND	REPORT
CHECK NUMB	15831 15831 15831	15832	15833 15833 15833	15833 15833	15834	15835	15836	15837	TOTAL	TOTAL
	VENDOR ACCT	DATE ISSUEDVENDOR ACCT	DATE ISSUEDVENDOR ACCTDESCRIPTION	NUMBER CASH ACCT DATE ISSUED	DATE ISSUED	NUMBER CASH ACCT DATE ISSUED	NUMBER CASH ACCT DATE ISSUED	NUMBER CASH ACCT DATE ISSUEDVENDOR ACCTDESCRIPTION    10101	NUMBER CASH ACCT DATE ISSUED	10101   10/24/13   1630   QC LABORATORIES INC.   5509   LAB ANALYSIS   LAB ANAL

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

Chad Chamberlain, Chairperson

Laurel Napolitani, Secretary

Certificate No. CI 335

Dated: October 24, 2013

Moved by: Mr. Piazza

Seconded by: Mr. Rosenberg

Yes \_7\_\_

No <u>0</u>

Abstain 0

Absent \_2\_

# CAPITAL IMPROVEMENT BILLS LIST October 24, 2013

1.	CP Engineers, LLC Period: September 2013		
	Engineering Services		
	Construction Services		
	Oxford WWTP Upgrade		\$29,290.28
2.	CP Engineers, LLC		
	Period: September 2013		
	Engineering Services		
	Axford Ave. Pump Station Rehab		15,529.00
3.	Florio Perrucci Steinhardt & Fader		
	Period: September 2013		
	Legal Services		
	Oxford WWTP Upgrade		261.00
4.	Express Times		
	Legal Notices		
	Notice to Bidders		
	Contract No. 12-01		<u>948.56</u>
		Total	\$46,028.84