

MEETING MINUTES

PEQUANNOCK RIVER BASIN REGIONAL SEWERAGE AUTHORITY

August 19, 2020

Minutes of the regular meeting of the **Pequannock River Basin Regional Sewerage Authority** held on August 19, 2020 via Teleconference Chairman Verdonik called the meeting to order at approximately 5:00 p.m.

ROLL CALL

On roll call:

PRESENT : Chairman Verdonik, Commissioners Gall, Howard, Lampmann, Metcalfe and Voorman

ABSENT : None

ALSO PRESENT : Jamie Avagnano, Authority Administrator;
Christopher H. Falcon, Esq., Daniel D. Kelly, P.E.,
Kelly Engineering

OPEN PUBLIC MEETING STATEMENT

Chairman Verdonik introduced the "Open Public Meeting Statement" indicating that adequate notice of the Authority's regular meeting had been publicized in accordance with law by posting notice on the bulletin board at the Butler Municipal Building, by providing notice to the municipal clerks of Bloomingdale, Butler, Kinnelon, and Riverdale, and by providing notice to the official newspapers of the Authority. He also indicated that the time change and remote meeting information was provided to the public and the municipal clerks as well as noticed in the Authority's newspapers.

ADOPTION OF MINUTES

1. Meeting Minutes: Regular Meeting – July 15, 2020

Vice Chairman Voorman moved acceptance of the minutes of the July 15, 2020 regular meeting. That motion was seconded by Commissioner Lampmann and approved on the following roll call vote:

AYES : Chairman Verdonik, Commissioners Gall,
Howard, Lampmann, Metcalfe and Voorman

NAYS : None

ABSENT : None

ABSTAIN : None

OPERATIONAL REPORT

1. SYSTEM OPERATIONS

1.1 Alternative Cost Recovery Methodologies

Ms. Avagnano advised that we received Riverdale's executed 5 Party Agreement and that the Membership ordinance was on the agenda for approval on August 26th. She commented that she would confirm that the membership matter was on Riverdale's agenda. Regarding Kinnelon's adoption of the Five Party Agreement, Ms. Avagnano informed the Board that she spoke with Kinnelon CFO earlier that day on the possibility of Kinnelon Council tabling action on the agreement pending a meeting with the Borough of Butler. Commissioner Lampmann stated that the Borough had introduced the agreement in June and he had not been approached as yet on any outstanding questions. He expressed concern and suggested that it would be appropriate that the Borough communicate their concerns to Butler.

Commissioner Metcalfe advised that Kinnelon Council may want to discuss additional matters with Butler. Commissioner Metcalfe commented that he was invited to attend the Kinnelon meeting on August 20th to answer any questions the council may have.

Commissioner Metcalfe advised that he would follow up with Kinnelon after the meeting.

Regarding the timeline for PRBRSA adoption of the Five Party Agreement, Mr. Falcon said that it is preferable that all agreements and Riverdale's Membership be adopted prior to the Authority's September 16th meeting.

1.2 Flow Report

Mr. Kelly noted that the Flow Report for the period ending July 2020 was included in the meeting materials along with the following items:

July 2020

- Daily Flow Summary for July 2020
- Daily Flow Hydrograph for July 2020
- Hydrograph: Comparison P-4 vs. M-15

He commented that the flows were low which also recorded a decrease in the TBSA flows in favor of PRBRSA.

1.3 TBSA Flow Report (Budget vs. Actual)

See comment above.

2. TBSA ACTIVITIES

2.1 Status Update

Vice Chairman Voorman reported on the activities currently underway at Two Bridges. He advised that TBSA plans to introduce their budget next month which may include a change in flows among the participants.

3. TWA APPLICATIONS AND CONNECTION PERMITS

**3.1 Unauthorized Connection
BP Gas Station/Car Wash/Convenience Store
Borough of Riverdale**

Ms. Avagnano advised that on counsel's determination that the low bid submitted by National Water Main in the amount of \$112,094 contained a material flaw and therefore the bid must be rejected. Based on counsel's advice she recommended award of Contract PRB 20-1 to Arold Construction Co., Inc. in the amount of \$127,500.

Commissioner Lampmann moved approval of the following resolution:

Resolution No. R-20-8-3

**RESOLUTION AWARDING UNAUTHORIZED CONNECTION
REHABILITATION CONTRACT NO. PRB-20-1 TO
AROLD CONSTRUCTION COMPANY, INC.**

WHEREAS, the Pequannock River Basin Regional Sewerage Authority ("Authority") solicited for the receipt of sealed competitive bids for the Unauthorized Connection Rehabilitation Contract No. PRB-20-1 in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, two bids were received on August 11, 2020 as follows:

National Water Main Cleaning Co. 1806 Newark Turnpike Kearny, New Jersey 07032	\$112,094.00
Arold Construction Co., Inc. 51 Powder Mill Bridge Road Kingston, New York 12401	\$127,500.00

WHEREAS, the bidding documents were reviewed by the Authority's staff and consultants, including the firm Maraziti, Falcon LLP and the firm of Remington & Vernick Engineers; and

WHEREAS, the bid response from National Water Main Cleaning Co. identified as its bypass pumping subcontractor, United Rentals (North America) Inc., and indicated that this subcontractor was not registered for public works with the New Jersey Department of Labor and Workforce Development, but rather such registration was "in process"; and

WHEREAS, The Public Works Contractor Registration Act, N.J.S.A. 34:11-56.48 et seq., states, in relevant part at N.J.S.A. 34:11-56.51: "No contractor shall list a subcontractor in a bid proposal for the contract unless the subcontractor is registered pursuant to [N.J.S.A. 34:11-56.48 et seq.] at the time the bid is made"; and

WHEREAS, pursuant to regulations promulgated pursuant to The Public Works Contractor Registration Act, the definition of a subcontractor is not limited to the trades set forth by the Local Public Contracts Law at N.J.S.A. 40A:11-16, but rather are defined by N.J.A.C. 12:62-1.2 as "any subcontractor or lower tier subcontractor of a contractor, including independent owner operators or independent contractors" and therefore the identified subcontractor, United Rentals (North America) Inc., was required to be registered for public works with the New Jersey Department of Labor and Workforce Development at the time of bid receipt; and

WHEREAS, after the opening of the bids, United Rentals (North America) Inc., the subcontractor identified by National Water Main Cleaning Co., submitted a Public Works Contractor Registration application with the New Jersey Department of Labor and Workforce Development on August 18, 2020 and a copy of this registration was provided to the Authority; and

WHEREAS, The Public Works Contractor Registration Act provides at N.J.S.A. 34:11-56.55 that "[e]ach contractor shall, after the bid is made and prior to the awarding of the contract, submit to the public entity, including, but not limited to, any authority, board or commission, the certificates of registration for all subcontractors listed in the bid proposal. Applications for registration shall not be accepted as a substitute for a certificate of registration for the purposes of this section"; and

WHEREAS, the identification of a subcontractor that is not registered with the Department of Labor and Workforce Development in a bid for public work is in contravention of N.J.S.A. 34:11-56.1 which requires all subcontractors to be registered at the time of bid receipt for public works and therefore the bid submission of National Water Main Cleaning Co. contains a material defect that cannot be waived by the Authority and must be rejected; and

WHEREAS, the bid of Arold Construction Co., Inc. has been reviewed by the Authority's counsel and does not contain any material defects; and

WHEREAS, the Authority's consulting engineer, Remington & Vernick Engineers, has

recommended that the contract be awarded to Arold Construction Co., Inc. as the lowest responsible bidder pursuant to its letter dated August 18, 2020; and

WHEREAS, the bidding documents include plans for the improvement to public property; and

WHEREAS, N.J.S.A. 59:4-6 provides that neither the public entity nor a public employee is liable for an injury caused by the plan or design of public property or any improvement thereto where the plan or design was approved in advance of construction or improvement by the Authority or a public employee exercising discretionary authority to give such approval on its behalf where such plan or design was prepared in conformity with the standards previously approved by the Authority; and

WHEREAS, in addition to awarding the Unauthorized Connection Rehabilitation Contract No. PRB-20-1, to Arold Construction Co., Inc. as the lowest responsible bidder, the Authority desires to record its approval of said plans and design for the Unauthorized Connection Rehabilitation Contract No. PRB-20-1.

NOW, THEREFORE, BE IT RESOLVED by the Pequannock River Basin Regional Sewerage Authority in the Counties of Morris and Passaic and State of New Jersey, on this 19th day of August, 2020, as follows:

1. The bid submission of National Water Main Cleaning Co. is rejected due to the fact that its identified bypass pumping subcontractor, United Rentals (North America) Inc., was not registered for public works with the New Jersey Department of Labor and Workforce Development at the time of bid submission in accordance with N.J.S.A. 34:11-56.51, a material defect that cannot be waived by the Authority and which renders the bid of National Water Main Cleaning Co. as unresponsive to the Authority's bid solicitation.
2. All immaterial defects contained in the bid submission of Arold Construction Co., Inc., if any, are waived and the Authority awards the Unauthorized Connection Rehabilitation Contract No. PRB-20-1, to Arold Construction Co., Inc., having a business address of 51 Powder Mill Bridge Road, Kingston, New York 12401, in the bid amount of \$127,500.00 as the lowest responsible bidder in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.
3. The Contract awarded herein to Arold Construction Co., Inc. shall commence after the execution of the contract, the submission of the performance guarantees and all required insurance certificates required by the contract, together with all other documentation required by the contract and after the issuance of a Notice to Proceed issued on behalf of the Authority.
4. The entire design, specifications and plans to be utilized for the Unauthorized Connection Rehabilitation Contract No. PRB-20-1, are hereby approved for the purpose of the immunity to be afforded to the Authority in accordance with N.J.S.A. 59:4-6.
5. The consulting engineer and Authority Administrator, together with the Authority's professional consultants are hereby authorized to take such actions as are necessary or desirable to effectuate the terms and conditions of this Resolution and to take

measures to ensure that all appropriate documents, as required by the Unauthorized Connection Rehabilitation Contract No. PRB-20-1, are provided by the contractor prior to the issuance of the Notice to Proceed.

6. The Authority Treasurer certifies the availability of funds in the bid amount of \$127,500.00 to finance the Unauthorized Connection Rehabilitation Contract No. PRB-20-1 from the Revenue Fund.
7. This Resolution shall take effect as provided by law.

That motion was seconded by Commissioner Lampmann and approved on the following roll call vote:

AYES	:	Chairman Verdonik, Commissioners Gall, Howard, Lampmann, Metcalfe and Voorman
NAYS	:	None
ABSENT	:	None
ABSTAIN	:	None

4. BOONTON AVENUE INTERCEPTOR

4.1 Park Place/NYS&W Railroad Crossing (2017 Project)

Ms. Avagnano said there was nothing to report since the August 13th Special Meeting.

5. FINANCIALS

5.1 Treasurer's Report: July 31, 2020

Treasurer Lampmann presented the Treasurer's Report for the period ending June 30, 2020 and moved its approval as presented.

That motion was seconded by Commissioner Metcalfe and approved unanimously on the following roll call vote:

AYES	:	Chairman Verdonik, Commissioners Gall, Howard, Lampmann, Metcalfe and Voorman
NAYS	:	None
ABSENT	:	None
ABSTAIN	:	None

5.2 DLGS Annual Budget: FY 2021

Ms. Avagnano advised that the DLGS FY 2021 Annual Budget was previously circulated for review and that there were no changes from the preliminary annual budget submitted in July. She noted that the DLGS Budget included a \$950,000 Capital Budget.

Treasurer Lampmann moved the following resolution:

Resolution No. R-20-8-2

2020 (2020-2021) AUTHORITY BUDGET RESOLUTION
Pequannock River Basin Regional Sewerage Authority

FISCAL YEAR: FROM: November 1, 2020 TO: October 31, 2021

WHEREAS, the Annual Budget and Capital Budget for the Pequannock River Basin Regional Sewerage Authority for the fiscal year beginning, November 1, 2020 and ending, October 31, 2021 has been presented before the governing body of the Pequannock River Basin Regional Sewerage Authority at its open public meeting of August 19, 2020; and

WHEREAS, the Annual Budget as introduced reflects Total Revenues of \$5,446,000, Total Appropriations, including any Accumulated Deficit if any, of \$5,446,000 and Total Unrestricted Net Position utilized of \$0; and

WHEREAS, the Capital Budget as introduced reflects Total Capital Appropriations of \$1,075,000 and Total Unrestricted Net Position planned to be utilized as funding thereof, of \$950,000; 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 Pequannock River Basin Regional Sewerage Authority, at an open public meeting held on August 19, 2020 that the Annual Budget, including all related schedules, and the Capital Budget/Program of the Pequannock River Basin Regional Sewerage Authority for the fiscal year beginning, November 1, 2020 and ending, October 31, 2021 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 Pequannock River Basin Regional Sewerage Authority will consider the Annual Budget and Capital Budget/Program for adoption on October 21, 2020.

(Secretary's Signature)

August 19, 2020
(Date)

Governing Body Member:	Recorded Vote			
	Aye	Nay	Abstain	Absent
Gall	x			
Howard	x			
Lampmann	x			
Metcalf	x			
Verdonik	x			
Voorman	x			

That motion was seconded by Commissioner Metcalfe and approved unanimously on the following roll call vote:

AYES : Chairman Verdonik, Commissioners Gall,
 Howard, Lampmann, Metcalfe and Voorman

NAYS : None

ABSENT : None

ABSTAIN : None

6. UNFINISHED BUSINESS

None

7. NEW BUSINESS

None

8. CONSENT AGENDA

None

9. PAYMENT OF BILLS

Operating Budget

9.1 Operating Request for Payment No. 399

Treasurer Lampmann presented and moved approval of Operating Request for Payment No. 399 as follows:

PEQUANNOCK RIVER BASIN REGIONAL SEWERAGE AUTHORITY

**SUMMARY OF VOUCHERS FOR
 OPERATING EXPENSES**

Operating Request for Payment No. 399

The following bills have been reviewed and are recommended for approval for payment at the August 19, 2020 meeting of the Authority from the Operating Account (Wells Fargo Bank Account 1425985):

<u>PRBRSA</u>	<u>VOUCHER</u>	<u>VOUCHER</u>	<u>PAYMENT</u>		
<u>ACCT. NO</u>	<u>NO.</u>	<u>DATE</u>	<u>AMOUNT</u>	<u>CHECK PAYABLE TO</u>	
1) 24.05	OP-20-8-1	3/31/2020	\$ 250.00	Borough of Butler	
2) 33.01	OP-20-8-2	10/1/2018	\$ 2,705.00	Borough of Butler	
3) 24.07	OP-20-8-3	8/7/2020	\$ 151.88	J. Avagnano	
4) 22.03	OP-20-8-4	8/4/2020	\$ 5,159.65	Kelly Engineering	
5) 22.03	OP-20-8-5	8/13/2020	\$ 210.07	Kelly Engineering	
6) 22.01	OP-20-8-6	8/18/2020	\$ 1,501.50	Maraziti Falcon LLP	
7) 22.01	OP-20-8-7	8/18/2020	\$ 1,930.50	Maraziti Falcon LLP	
8) 24.07	OP-20-8-8	8/5/2020	\$ 55.00	J. Avagnano	
9) 22.02	OP-20-8-9	7/13/2020	\$ 938.50	Remington & Vernick Engineers	
10) 24.07	OP-20-8-10	7/12/2020	\$ 9.36	North Jersey Media Group	
11) 24.07	OP-20-8-11	7/8/2020	\$ 10.32	North Jersey Media Group	
12) 24.07	OP-20-8-12	7/8/2020	\$ 280.36	North Jersey Media Group	
13) 24.07	OP-20-8-13	7/8/2020	\$ 152.14	North Jersey Media Group	
14) 33.03	OP-20-8-14	7/24/2020	\$ 18.23	Borough of Butler Electric	
15) 33.02	OP-20-8-15	8/5/2020	\$ 263.06	Staples	
16) 33.03	OP-20-8-16	8/7/2020	\$ 3.10	JCP&L	
17) 33.01	OP-20-8-17	8/14/2020	\$ 3,357.40	ADS LLC	
18) 23.03	OP-20-8-18	8/18/2020	\$ 3,964.00	Liberty Mutual	
19) 24.07	OP-20-8-19	8/12/2020	\$ 7.31	North Jersey Media Group	
20) 24.07	OP-20-8-20	8/12/2020	\$ 6.63	North Jersey Media Group	
		TOTAL:	\$ 20,974.01		

Commissioner Howard seconded the motion which passed unanimously on the following roll call vote:

AYES : Chairman Verdonik, Commissioners Gall, Howard, Lampmann, Metcalfe and Voorman

NAYS : None

ABSENT : None

ABSTAIN : None

2. Construction Fund Disbursements

2.1 Construction Disbursement Requisition No. C-17-36

Treasurer Lampmann presented the bills as listed on Construction Fund Disbursement Requisition No. C-17-36. Commissioner Metcalfe moved approval as follows:

	<u>AUTHORITY ACCOUNT #</u>	<u>VOUCHER NUMBER</u>	<u>VOUCHER DATE</u>	<u>PAYMENT AMOUNT</u>	<u>PAYEE</u>
1)	120328C2	C-17-36-8-1	8/13/2020	\$ 5,644.06	Kelly Engineering
2)	120328C3	C-17-36-8-2	7/23/2020	\$22,435.29	Mott MacDonald
3)	120328C1	C-17-36-8-3	8/18/2020	\$ 175.50	Maraziti Falcon LLP
TOTAL DISBURSEMENTS				<u>\$28,254.85</u>	

Commissioner Voorman seconded the motion which passed unanimously on the following roll call vote:

AYES : Chairman Verdonik, Commissioners Gall, Howard, Lampmann, Metcalfe and Voorman

NAYS : None

ABSENT : None

ABSTAIN : None

OPEN MEETING FOR PUBLIC COMMENT

Given that New Jersey was still under a Health Emergency, Ms. Avagnano polled that Board on continuing with the 5:00 pm teleconference meeting. The Board agreed that would be in the best interest of the public for the September 16th meeting to be held remotely at 5:00 pm.

Chairman Verdonik asked if any members of the public were on the teleconference.

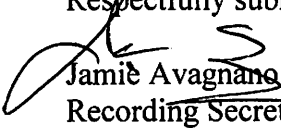
With no members of the public present Chairman Verdonik dispensed with the public participation portion of the meeting.

ADJOURNMENT

At approximately 5:18 pm, Commissioner Metcalfe moved to adjourn the regular meeting. That motion was seconded by Commissioner Lampmann and approved unanimously on voice vote.

At approximately 5:18 pm, the meeting was adjourned.

Respectfully submitted,


Jamie Avagnano
Recording Secretary

Enclosure: Treasurer's Report for the period ending July 31, 2020