

MEETING MINUTES

PEQUANNOCK RIVER BASIN REGIONAL SEWERAGE AUTHORITY

September 16, 2009

Minutes of the regular meeting of the **Pequannock River Basin Regional Sewerage Authority** held on September 16, 2009 in the Conference Room at the Butler Municipal Building, One Ace Road, Butler, New Jersey. Chairman Voorman called the meeting to order at approximately 7:30 p.m.

ROLL CALL

On roll call:

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

ABSENT : Commissioner Gall

ALSO PRESENT : Diane Alexander, Esq., Maraziti, Falcon & Healey; and Daniel D. Kelly, P.E., Kelly Engineering

OPEN PUBLIC MEETING STATEMENT

Chairman Voorman 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, providing notice to the municipal clerks of Bloomingdale, Butler, Kinnelon, and Riverdale, and by providing notice to the official newspapers of the Authority.

ADOPTION OF MINUTES

1. Meeting Minutes: August 19, 2009 Regular Meeting

Chairman Voorman noted that the minutes have been distributed to the Commissioners in draft form but suggested that they be held for adoption pending counsel review and comment.

OPERATIONAL REPORT

1. System Operations

1.1 Flow Report

Mr. Kelly distributed the following information to the Board for discussion at the meeting:

- Flow Report for the period ending August 31, 2009
- Daily Flow Summary for August 2009
- TBSA "Yearly Plant Operations Report" through August 31, 2009
- Daily flow hydrograph for August 2009

As indicated by the Flow Report for the period ending August 31, 2009, Mr. Kelly noted that the total system flows continue to drop and are presently at 1.566 mgd for August 2009 with a year-to-date average of 1.782 mgd.

Regarding his analysis of TBSA's flows, Mr. Kelly advised that the PRBRSA component of the total Two Bridges flow is 32.86% as compared with the budgeted flow of 34.08%. He explained that that means the Authority's User Charge (i.e., the TBSA operation and maintenance component of the Annual Charge) will be 1.22% lower than originally budgeted if the present trend continues.

1.2 ADS Contract No. OM-2

In order to extend Contract No. OM-2 for another two months through November 30, 2009, Commissioner Howard moved approval of the following resolution to approve Change Order No. 3 (**Resolution No. R-09-9-1**):

WHEREAS, the Authority is in receipt of a Request for Change Order filed by Daniel D. Kelly, P.E., the Authority Consulting Engineer, requesting approval of Change Order No. 3 for a contract extension on the Agreement of 6/23/06 with ADS, LLC (Contract No. OM-2) for flow monitoring support services, while the Authority is in the process of completing negotiations on a new contract procurement; and

WHEREAS, the Authority is satisfied that the additional contract time is necessary, is permitted as an extension pursuant to N.J.S.A. 40A:11-15 and could not be reasonably effectuated by a separately bid contract without unduly disrupting the flow monitoring services, thereby imposing adverse cost consequences on the Authority.

WHEREAS, HMM has confirmed that the Authority Interceptor System is in sound condition and is not the source of excessive infiltration within the service area of Riverdale; and

NOW, THEREFORE, BE IT RESOLVED by the Pequannock River Basin Regional Sewerage Authority in the Counties of Morris and Passaic in the State of New Jersey on this 16th day of September, 2009 as follows:

1. The Authority hereby approves Change Order No. 3 to Contract No. OM-2 as hereof payable at the same rates as set forth in the Agreement of 6/23/06 and extending to November 30, 2009.
2. The Chairman is authorized and directed to sign Change Order No. 3 to the Agreement in the foregoing amount.
3. This Resolution shall take effect as provided by law.

Vice Chairman Verdonik seconded the motion which passed unanimously on the following roll call vote:

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

1.3 ADS Contract No. OM-4

Mr. Kelly and Ms. Alexander explained that the Local Public Contracts Law, based on prior advice from Brent Carney of Mr. Falcon's office, effectively precludes the Authority from further extending Contract No. OM-3. However, since this contract was originally procured on the basis of "performance of proprietary services", they said that a new contract needs to be awarded, Contract No. OM-4, in order to extend the IntelliServe and temporary flow monitoring through November 30, 2009.

Following further discussion, Commissioner Lampmann moved approval of the following resolution **(Resolution No. R-09-9-2):**

WHEREAS, Contract No. OM-3 by and between the Pequannock River Basin Regional Authority (the “Authority”) and ADS Environmental Services for the operation and maintenance of its flow monitoring system has expired; and

WHEREAS, the proposal of ADS, LLC, dated September 16, 2009, is attached as Exhibit A to Contract No. OM-4, to provide access to the ADS web-based IntelliServe system to provide the Authority with automatic data acquisition for ADS flow monitors and ADS rain gauges that are currently installed in the Authority’s collection system as well as temporary flow monitoring services and for such other work as set forth in the proposal; and

WHEREAS, the work to be provided by ADS is for the provision or performance of proprietary goods or services in accordance with N.J.S.A. 40A:11-5(1)(dd); and

WHEREAS, the goods or services to be provided are specialized in nature because they are patented by ADS and are necessary for the conduct of the affairs of the Authority because the Authority has a substantial capital investment in the existing ADS flow metering equipment which utilizes ADS’ proprietary analytical software and for the reasons set forth in the Certification of Daniel D. Kelly, P.E., dated September 16, 2009, on file at the offices of the Authority, which is incorporated by reference as if fully set forth herein; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et. seq., permits negotiation and award of contracts without public advertising for bids and bidding for goods or services for the support or maintenance of proprietary computer hardware and software in accordance with N.J.S.A. 40A:11-5(1)(dd).

NOW, THEREFORE, BE IT RESOLVED by the Pequannock River Basin Regional Sewerage Authority in the Counties of Morris and Passaic in the State of New Jersey on this 16th day of September, 2009 as follows:

1. The Chairman is authorized and directed to execute Contract OM-4 with ADS LLC in an amount not to exceed \$9,472.00 for the two month monitoring period set forth in the proposal of ADS, LLC, attached as Exhibit A to Contract No. OM-4.
2. A copy of this Resolution shall be published in accordance with law.
3. This Resolution shall take effect immediately.

Vice Chairman Verdonik seconded the motion which passed unanimously on the following roll call vote:

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

2. I/I Investigation Program

Mr. Kelly advised that he has reviewed the revised draft of Hatch Mott MacDonald's report on the I/I investigation program and finds it to be in acceptable form with minor revisions expected in the final version.

In order to notify Riverdale of the need to correct infiltration and inflow conditions found within the Borough's local sanitary sewerage system and to authorize issuance of the final Hatch Mott MacDonald I/I Report to the Borough of Riverdale, Commissioner Lampmann moved approval of the following resolution (**Resolution No. R-09-9-3**):

WHEREAS, the Pequannock River Basin Regional Sewerage Authority (the "Authority") and the Borough of Riverdale ("Riverdale") have been engaged in various engineering studies and analyses in order to determine the origin of excessive infiltration and inflow which has entered the Authority Sewerage System from the area served by the Authority located within Riverdale; and

WHEREAS, the Authority has received various reports from its Consulting Engineers, Hatch Mott MacDonald ("HMM") concerning the results of their studies; and

WHEREAS, HMM has confirmed that the Authority Interceptor System is in sound condition and is not the source of excessive infiltration within the service area of Riverdale; and

WHEREAS, the Authority's Consulting Engineer has reviewed HMM's evaluations and is satisfied that the engineering analysis has identified major sources of excessive infiltration and inflow which emanate in the Riverdale Local Sewerage System and, thereafter, flow into the Authority Sewerage System; and

WHEREAS, the requirements of the Riverdale Service Contract between the Authority and Riverdale provide that it is the obligation of Riverdale to maintain its system so as to eliminate sources of excessive infiltration and inflow to the Authority Sewerage System

NOW, THEREFORE, BE IT RESOLVED by the Pequannock River Basin Regional Sewerage Authority in the Counties of Morris and Passaic in the State of New Jersey on this 16th day of September, 2009 as follows:

1. The Chairman is authorized and directed to correspond with the Mayor of the Borough of Riverdale in order to provide Riverdale a copy of HMM's report and to advise that Riverdale must comply with the requirements of Section 502 of the Service Contract. Such compliance would require the commencement of a study and remediation program so as to eliminate excessive infiltration/inflow.
2. A copy of this Resolution shall be delivered to the Clerk of the Borough of Riverdale within twenty days of the date hereof.
3. This Resolution shall take effect as provided by law.

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

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

3. TBSA Activities

3.1. TBSA Capital Improvement Program

Vice Chairman Verdonik and Chairman Voorman reported on various activities at the Two Bridges Sewage Authority as they affect Pequannock River Basin. Notably, they advised that the ultraviolet disinfection project is being fast tracked ahead of the other capital improvements that are the subject of the Phase 1 feasibility investigations being conducted by Black & Veatch. They noted that since the disinfection facilities are the common denominator in all of the engineering plans and other capital improvements and that the grit chamber "head works" are similarly common to each of the proposed improvement plans that both projects will be moved forward at an estimated cost approximating \$8 million.

In addition to the disinfection and grit chamber improvements, Chairman Voorman and Vice Chairman Verdonik reported that TBSA plans to undertake major improvements to the old incinerator (Incinerator #1). They indicated that following the improvements, Incinerator #1 will then be the primary sludge incinerator inasmuch as its efficiency is expected to exceed that of the newer unit.

They further advised that TBSA approved its FY 2010 Annual Budget at a projected 3.5% across the board rate increase.

4. TWA Application and Connection Permits

4.1 TWA Application Union Avenue Project (BLC One, LLC) Borough of Bloomingdale

Mr. Kelly advised that an application has been filed by BLC One, LLC for approval of Treatment Works necessary to service a 174 unit Mt. Laurel project on Union Avenue in Bloomingdale. Based on his preliminary review of the application as filed, he further advised that the engineering plans call for construction of on-site gravity lines connecting to an on-site pumping station with discharge through a force main to an existing Borough-owned line within Union Avenue. He said that the application did not provide engineering plans, specifications and other required information for either the pumping station or the force main. Consequently, he reported that the applicant's engineer was notified to complete the application by submittal of the additional engineering information on those facilities. Mr. Kelly further explained that the application as filed with the Authority was not in approvable form in that it was not compliant with NJDEP regulations for Treatment Works Approval generally.

On discussion of the project, Mr. Kelly noted that he will check to confirm that the subject site is in fact within the Authority's "future sewer service area" in the 1991 Wastewater Management Plan. Chairman Voorman recalled that the site, to his knowledge, is in fact within the approved sewer service area of the Authority.

FINANCIAL REPORT

1. Treasurer's Report

1.1. August 31, 2009 Treasurer's Report

Mr. Kelly presented the Treasurer's Report for the period ending August 31, 2009. Commissioner Metcalf moved acceptance of the Treasurer's Report as presented.

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

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

NAYS : None

ABSENT : Commissioner Gall

ABSTAIN : None

2. Annual Budget FY 2010

For the record Mr. Kelly advised that the Authority's Annual Budget for Fiscal Year 2010 was filed with the State of New Jersey, Division of Local Government Services on August 28 for review and approval.

3. Riverdale FY2009 Annual Charge Challenge

No change in status on this matter.

UNFINISHED BUSINESS

1. Electronic Communications

Mr. Kelly advised that the Authority's email system is now in operation. He noted that each of the Commissioners has within his file folder instructions on how to initially set up his email account on the PRBRSA system through Intermedia.net.

Mr. Kelly further advised that the Message Mirror capability is now also in place which provides automatic back-up of all business-related incoming and outgoing emails to the Authority.

He also explained that the Message Mirror capability provides for permanent archiving of all email communications along with the ability to retrieve information. He noted as well that the permanent storage and retrieval functions are necessary to remain in compliance with state laws and regulations including, for example, the Open Public Records Act.

In order to assist on setting up their email accounts, Mr. Kelly suggested that if any of the Commissioners have questions or difficulty in accessing their email accounts that they contact his office to have Sharon Meade of Up & Running assist in that process.

NEW BUSINESS

1. Riverdale Membership

Chairman Voorman advised that the Authority has received a letter from Richard Clemack, Riverdale's Special Attorney, to Mr. Falcon indicating the Borough of Riverdale's interest in joining PRBRSA as a Member town.

Following considerable discussion on the background of Riverdale's current contractual right to petition the Authority for Membership once the Borough's flows are at or above 500,000 gallons per day, Mr. Kelly and Ms. Alexander advised that the Sewerage Authorities Law was amended in 1987 as to allow towns such as Riverdale to join regional agencies in these circumstances. They noted that would be similar to the Authority's petition to Two Bridges resulting in PRBRSA Membership in TBSA with two PRBRSA Members now on the Two Bridges Board. It was noted that Membership allows more active involvement in the issues at hand.

Commissioner Howard made several points. First, he said that it would be appropriate that the matter be brought to the floor for a vote. There was general concurrence on that. He also said that if there were negative consequences, either legally or financially, in having Riverdale join the Authority prior to its current contractual right to do so under the Service Contract that he would vote against it. At the same time he voiced his opinion that there may be certain benefits in having Riverdale at the table when issues such as the metering and billing matters are discussed affecting Riverdale and the other towns as well.

Vice Chairman Verdonik disagreed. He recalled vividly the discussions with Riverdale officials last year when he said that representations were made that were later proven to be not factual. He also objected to the Borough's positions that he said did not recognize the Authority's extensive efforts in assisting Riverdale in every way possible in working through issues with the Trammel Crow project, and related to that, in securing additional capacity from Lincoln Park and Two Bridges for Riverdale's benefit.

Following considerable discussion, there was consensus that Riverdale should be invited to an upcoming meeting to be able to make its case for Membership. In the interim, Chairman Voorman suggested, and the Board agreed, that Counsel and the Consulting Engineer should review any legal and financial implications that may result from Riverdale's Membership on PRBRSA.

PAYMENT OF BILLS

1. Operating Request for Payment No. 270

The following bills as listed on Operating Request for Payment No. 270 were presented:

Operating Request for Payment No. 270

The following bills have been reviewed and are recommended for approval for payment at the **September 16, 2009** meeting of the Authority from the Operating Account (Wachovia Bank Account 1425985):

	PRBRSA	VOUCHER	VOUCHER	PAYMENT	
	<u>ACCT. NO.</u>	<u>NO.</u>	<u>DATE</u>	<u>AMOUNT</u>	<u>CHECK PAYABLE TO</u>
1)	33.01	OP-09-9-1	11/28/08	\$ 2,180.00	Borough of Butler
2)	24.05	OP-09-9-2	3/14/08	\$ 250.00	Borough of Butler
3)	33.03	OP-09-9-3	08/28/09	\$ 29.98	Verizon
4)	22.01	OP-09-9-4	09/01/09	\$ 3,377.90	Maraziti, Falcon & Healey
5)	33.13	OP-09-9-5	09/08/09	\$ 4,218.35	Hatch Mott MacDonald
6)	33.11	OP-09-9-6	09/08/09	\$ 105.60	Hatch Mott MacDonald
7)	33.10	OP-09-9-7	09/08/09	\$ 458.09	Hatch Mott MacDonald
8)	33.02	OP-09-9-8	09/8/09	541.93	USA Bluebook
9)	33.12	OP-09-9-9	8/24/2009	\$ 1,210.45	National Water Main Cleaning Co.
10)	33.12	OP-09-9-10	8/24/2009	\$ 1,539.40	National Water Main Cleaning Co.
11)	22.03	OP-09-9-11	09/03/09	\$ 10,400.00	Kelly Engineering
12)	32.02	OP-09-9-12	09/03/09	\$ 2,905.01	Kelly Engineering
13)	33.12	OP-09-9-13	8/24/2009	\$ 4,033.46	National Water Main Cleaning Co.
14)	*	OP-09-9-14	09/02/09	\$ 4,848.00	ADS
15)	25.02	OP-09-9-15	08/25/09	\$ 1,824.76	James Lampmann
16)	33.03	OP-09-9-16	08/21/09	\$ 3.25	JCP&L
17)	22.02	OP-09-9-17	08/19/09	\$ 420.00	Ferrailoli, Wielkotz, Cerullo & Cuva
18)	33.03	OP-09-9-18	08/23/09	\$ 27.33	Verizon
19)	33.03	OP-09-9-19	08/28/09	\$ 29.98	Verizon
20)	33.03	OP-09-9-20	9/2/09	\$ 17.96	Borough of Butler
			TOTAL:	<u>\$ 38,421.45</u>	
*33.01	\$2,320.00				
33.14	<u>\$2,528.00</u>				
	\$4,848.00				

Vice Chairman Verdonik moved approval of the bills as presented. That motion was seconded by Commissioner Howard and passed unanimously on the following roll call vote:

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

OPEN MEETING FOR PUBLIC COMMENT

Their being no members of the public present, Chairman Voorman indicated that there would be no need to open the meeting for public comment.

ADJOURNMENT

At approximately 8:45 pm, Commissioner Howard moved for adjournment. Commissioner Lampmann seconded the motion which passed unanimously on voice vote.

At approximately 8:45 pm, the meeting was adjourned.

Respectfully submitted,

Daniel D. Kelly, P.E.
Recording Secretary

Enclosure: Treasurer's Report for the period ending August 31, 2009

DDK/ja (001)

:BusDoc/word/minutes/Minutes-September 2009