MEETING MINUTES

PEQUANNOCK RIVER BASIN REGIONAL SEWERAGE AUTHORITY

July 21, 2010

Minutes of the regular meeting of the **Pequannock River Basin Regional Sewerage Authority** held on July 21, 2010 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 Gall,

Lampmann, Metcalfe and Verdonik

ABSENT : Commissioner Howard

ALSO PRESENT : John Campanile, Stanford Risk Management;

Christopher H. Falcon, Esq., Maraziti, Falcon & Healey; and Daniel D. Kelly, P.E., Kelly

Engineering

<u>Note</u>: Mr. Campanile left the meeting in progress

at approximately 8:05pm.

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.

Stanford Risk Management Contract

Chairman Voorman welcomed John Campanile, President of Stanford Risk Management and asked the Board to consider the Stanford contract matter prior to proceeding with the rest of the agenda items.

Returning to discussions at the June 16th regular meeting, Commissioner Metcalfe explained that his questions on Stanford's contract services then primarily centered on the need to have Stanford, as the Authority's insurance consultant, extensively review the policy coverages on renewal of the policy this year particularly since those converges were thoroughly reviewed in the bidding process last year. He also questioned why the renewal process could not have been completed by the NIA Group, the Authority's Broker.

Mr. Campanile began by explaining that he is technically not an insurance consultant but rather a risk manager. He acknowledged the difference may be somewhat nuanced yet maintained that it is important to the type of reviews that he conducts on behalf of the Authority. He explained that the insurance review and solicitation process resulted in a recasting of the insurance policies into a single policy as underwritten by the Arch Insurance Company. In so doing he said that the policy form was not standard and therefore had to be reviewed extensively on a line-by-line basis to ensure proper coverages. He went on to explain that, in dealing with the Broker, it was necessary to secure responses through the Broker directly from the Underwriter and that that process involved extensive back and forth communications between Stanford, the NIA Group and the Underwriter for Arch, a process that extended into late 2009 and early 2010. He said he was extremely pleased with the end product which produced extensive benefits for the Authority by way of coverage, enhancements, and clarifications. He noted, for example, the clarification that he secured on the coverage for sewage backups which further involved confirming with the Underwriter a definition of the term "pollution" under the policy. He said that the Underwriter finally agreed that "sewage" is not a "pollutant" and therefore the full policy coverages are available for sewage backups. Similarly, he explained that it was necessary to define "location" under the policy – to do so, he said that he issued a map of the PRBRSA regional interceptor system to the Broker. That process, he said, finally resulted in the Underwriter's confirmation that an occurrence on any portion of the entire PRBRSA interceptor system would be covered under the policy.

Concerning the insurance consultant fees, Mr. Campanile said that he billed the \$1,645.00 for work performed in 2009 and \$2,257.50 for services performed to date in 2010. Commenting on that, Mr. Kelly noted that the Authority approved last August a \$1,500.00 budget and that Mr. Campanile has agreed that that would be fair compensation for the \$1,645.00 billed in 2009. He also recommended the Authority's authorization of \$1,750.00 for the work performed thus far in 2010 against the billing of \$2,257.50 which he noted was also acceptable to Mr. Campanile. Since the work in 2010 is not complete, Mr. Kelly said that he has also requested the Authority's approval of \$1,000 budget for the final review of the Arch Insurance policy upon its issuance along with other consultation work that may be required through the February organization meeting next year. Commissioner Metcalfe suggested that the contract should extend only through the budget year, namely, October 31, 2010. Mr. Campanile agreed that that would be reasonable and indicated that he would expedite the Underwriter's issuance of the policy to the fullest extent possible as to allow the work to be completed by that time.

Mr. Campanile also raised the possibility of contracting with Stanford Risk Management on an annual fixed rate basis. He said that is common practice with many of his clients. In response to Commissioner Metcalfe's question, he said that such fees typically range from \$8,000 to \$10,000 annually although estimated, due to the limited nature of the PRBRSA activities and associated risk exposures, that he would preliminarily estimate the fee at between \$1,500 to \$2,000 annually. Commissioner Lampmann advised that Butler retains a risk manager at cost approximating \$20,000 to \$25,000 annually. Following discussion, the Board requested that Mr. Campanile submit a proposal for FY 2011 both on an hourly basis and on a fixed fee basis. Commissioner Metcalfe commented that he would probably prefer the hourly arrangement since it is not possible to anticipate in advance the scope of the work involved. Mr. Campanile said he would submit a proposal based on both forms of contract.

There was also discussion on the recent communications regarding the Crime Bond. Mr. Campanile explained, since Mr. Kelly and his employees effectively operate as agents of the Authority on a contract basis, that they are not covered under the Authority's Crime Bond which is limited to direct employees. He said he attempted to have Kelly Engineering included under the policy coverages but the Underwriter would not consent. Consequently, he said that he will recommend that Kelly Engineering procure a separate Crime Bond policy if possible. To clarify matters, Mr. Kelly said that he and his employees do not have direct control over the Authority's funds which are controlled by US Bank as Trustee. He also explained that the Authority handles no cash transactions and, further, that while his office does prepare checks for monthly disbursements, those are contractually based and subject to the Authority's monthly approval with signatures required by two Authority officers in addition to his own, a total of three signatures on each disbursement check. Mr. Kelly indicated that he would review the Crime Bond matter further with Mr. Campanile and would advise from there.

(Note: Mr. Campanile left the meeting in progress at approximately 8:05 pm)

Following further discussion, Commissioner Lampmann moved approval of the following resolution (Resolution No. R-10-7-3):

WHEREAS, the Pequannock River Basin Regional Sewerage Authority (hereinafter the "Authority") engaged the services of Stanford Risk Management Services, Inc. to perform insurance consultant services pursuant to Resolutions of March 18, 2009 and August 19, 2009; and

WHEREAS, an increase in compensation can be made by an equitable adjustment under circumstances where the consultant demonstrates that it encountered conditions differing materially from those anticipated or beyond what could reasonably have been anticipated; and

WHEREAS, the Authority has reviewed the nature of services performed and compensation requested by Stanford Risk for additional services provided to date during 2010, in the amount of \$1,750; and

WHEREAS, the Authority anticipates that Stanford Risk will have to perform additional services in connection with the review of the policy yet to be issued by Arch Insurance along with miscellaneous consultation services for an additional fee not to exceed \$1,000; and

WHEREAS, the Authority is satisfied that such additional cost is justified and in the public interest;

NOW, THEREFORE, BE IT RESOLVED BY THE PEQUANNOCK RIVER BASIN REGIONAL SEWERAGE AUTHORITY, in the Counties of Morris and Passaic and the State of New Jersey on this 21st day of July, 2010 as follows:

- 1. The Chairman is authorized to execute a Contract Amended with Stanford Risk Management Service, Inc. to provide for additional compensation in an amount not to exceed \$2,750, for services as above described.
 - 2. This Resolution shall take effect as provided by law.

Vice Chairman seconded the motion which was approved unanimously on the following roll call vote.

AYES : Chairman Voorman, Commissioners Gall,

Lampmann, Metcalfe and Verdonik

NAYS : None

ABSENT : Commissioner Howard

ABSTAIN : None

ADOPTION OF MINUTES

1. Meeting Minutes: Regular Meeting – June 16, 2010

Vice Chairman Verdonik moved approval of the minutes of the Authority's June 16, 2010 regular meeting. That motion was seconded by Commissioner Metcalfe and approved unanimously on the following roll call vote:

AYES: Chairman Voorman, Commissioners Gall,

Lampmann, Metcalfe and Verdonik

NAYS : None

ABSENT : Commissioner Howard

ABSTAIN : None

OPERATIONAL REPORT

1. System Operations

1.1 Flow Report

Referring to the Flow Report for the period ending June 30, 2010 dated July 20, 2010, Mr. Kelly reported that the system flows for May were extremely low at 1.457 mgd, more than 300,000 gpd lower than the prior month. He also advised that the year-to-date flows have dropped significantly to an average of 2.076 mgd.

Commenting further on the report of the Two Bridges Sewerage Authority titled "Yearly Plant Operations Report", Mr. Kelly noted that his calculations indicate that the actual PRBRSA flow contribution to the TBSA system is, on a percentage basis, substantially less than that projected for the year, specifically, 1.40% less than the original projection of 33.44% based on a budgeted flow of 2.08 mgd.

The following reports were distributed to the Board for review:

- Flow Report for the period ending June 30, 2010
- Daily Flow Summary for June 2010
- Daily flow hydrograph for June 2010
- TBSA "Yearly Plant Operations Report" Table 4 for June 2010

1.2 I/I Monitoring Program

Mr. Kelly advised that his office just received the edited (Qfinal) data for the eight temporary flow monitors in Bloomingdale and Butler for both May and June. Consequently he said that the data will be

summarized in an interim report prior to preparation of the final engineering report on the monitoring program results.

Commissioner Lampmann said he would like to have the Butler flow data assist the Borough in its I/I remediation efforts which Mr. Kelly said that he would forward.

2. <u>O&M Contract (Contract OM-1)</u>

Referring to his June 24, 2010 letter summarizing the quotations submitted by the Borough of Butler for operation and maintenance services on the regional interceptor over the next two years, Mr. Kelly recommended award of the contract for the prices quoted. He noted that the solicitations were also issued to Bloomingdale which did not elect to submit a proposal. Chairman Voorman advised that Bloomingdale does not have the resources necessary to undertake this type of work.

On discussion, responding to Commissioner Metcalfe's question, Commissioner Lampmann explained that, under Item 1 of the contract, Butler provides the services of a state-licensed operator with availability on a 24/7 basis to respond to emergencies and other operating needs on the system. He noted, however, that service call-outs and other work are paid separately under the other items within the contract.

Following further discussion, Vice Chairman Verdonik moved approval of the following resolution (**Resolution No. R-10-7-1**):

WHEREAS, the Pequannock River Basin Regional Sewerage Authority ("the Authority") issued requests to the Boroughs of Butler and Bloomingdale for the submission of proposals for the renewal of Contract OM-1 being the Operation and Maintenance Contract for the regional interceptor facilities of the Authority; and

WHEREAS, the Authority received a proposal from the Borough of Butler for the period of October 1, 2010 through September 30, 2011 and the additional period of October 1, 2011 through September 30, 2012; and

WHEREAS, the Authority has reviewed the said proposal which provides for a total bid price of \$48,872.00 for the first year and \$49,700.00 for the second year; and

WHEREAS, the Authority Consulting Engineer has recommended approval of the submittal of the Borough of Butler in a letter dated June 24, 2010; and

WHEREAS, the Authority is satisfied that the bid of the Borough of Butler is reasonable and consistent with the cost anticipated for the provision of such services,

NOW, THEREFORE, BE IT RESOLVED by the Pequannock River Basin Regional Sewerage Authority in the Counties of Morris and Passaic and the State of New Jersey on this 21st day of July, 2010 as follows:

- 1) The Chairman is authorized and directed to execute Contract OM-1 on behalf of the Authority with the Borough of Butler for the provision of the aforesaid services as provided in the form of Contract set forth in the bid documents in the amounts and for the time periods above set forth.
- 2) The Consulting Engineer shall provide a copy of the within Resolution to the Clerk of the Borough of Butler within 20 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 Gall,

Lampmann, Metcalfe and Verdonik

NAYS : None

ABSENT : Commissioner Howard

ABSTAIN : None

3. Boonton Avenue Interceptor

3.1 <u>Duke's Root Control Contract</u>

In order to authorize final payment on the Duke's Root Control contract, Mr. Kelly requested authorization to exceed the previously approved budget of \$2,067.00 to pay for the actual amount of work performed which he noted amounts to a minor increase of \$93.81:

Following discussion, Vice Chairman Verdonik moved approval of the following resolution (**Resolution No. R-10-7-2**):

WHEREAS, the Pequannock River Basin Regional Sewerage Authority ("the Authority") awarded a contract to Duke's Root Control by Resolution R-10-5-1 in the amount of \$2,067.00; and

WHEREAS, the final bill of Duke's Root Control is in the amount of \$2,160.81; and

WHEREAS, the Authority is satisfied on the basis of the recommendation of the Consulting Engineer that the additional charge of \$93.81 is justified;.

NOW, THEREFORE, BE IT RESOLVED by the Pequannock River Basin Regional Sewerage Authority in the Counties of Morris and Passaic and the State of New Jersey on this 21st day of July, 2010, as follows:

- 1. The Authority approves payment in the amount of \$2,160.81.
- 2. 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 Gall,

Lampmann, Metcalfe and Verdonik

NAYS : None

ABSENT : Commissioner Howard

ABSTAIN : None

4. TBSA Activities

4.1 General

Chairman Voorman and Vice Chairman Verdonik reported on various activities of the Two Bridges Sewerage Authority as they affect Pequannock River Basin. Notably, they reported on a recent serious malfunction of an electrical equipment plant resulting in substantial damage and temporary shutdown of the plant. Vice Chairman Verdonik advised that the cost to repair the damaged equipment may run to some \$150,000 yet should be covered by TBSA's insurance.

4.2 TBSA Capital Improvement Program

For the record, Mr. Kelly indicated that notifications were issued on June 29th to the four towns providing an update on the TBSA capital improvement project and requesting that the towns advise the Authority no later than September 1st of any additional capacity needs. He noted as well that an inquiry was received from the Borough of Kinnelon, essentially on the possibility that TBSA would move ahead with the plant expansion providing additional capacity to Pequannock River Basin that may or may not be needed by Kinnelon or for that matter by the other towns which would then result in substantial incremental capital and O&M costs. In his reply, Mr. Kelly said that he clarified the fact that no capacity will be included in TBSA's project unless specifically requested by PRBRSA as a result of expressed needs and related commitments from one or more of the towns.

4.3 TBSA Annual Budget

Chairman Voorman and Vice Chairman Verdonik advised that, although TBSA is presently considering a budget increase on the order of 4.5%, it is more likely that the final budget increase will be on the order of 1.5 to 2%. Vice Chairman Verdonik explained that the current TBSA budget does not include increased debt service for the ultraviolet disinfection project although that increase will be included in the FY 2012 budget.

5. TWA Application and Connection Permits

5.1 TWA Application Grande at Bloomingdale Borough of Riverdale

For the record, Mr. Kelly reported that the Grande at Bloomingdale project applied for and received from NJDEP a time extension on its present sewer extension permit.

FINANCIAL REPORT

1. Treasurer's Report

1.1. June 30, 2010 Treasurer's Report

Vice Chairman Verdonik moved acceptance of the Treasurer's Report for the period ending June 30, 2010. Commissioner Metcalfe seconded the motion which passed unanimously on the following roll call vote:

AYES: Chairman Voorman, Commissioners Gall,

Lampmann, Metcalfe and Verdonik

NAYS : None

ABSENT : Commissioner Howard

ABSTAIN : None

1.2 Preliminary Annual Budget: FY 2011

Referring to his July 20th letter along with a draft of the Preliminary Annual Budget for fiscal year 2011, Mr. Kelly highlighted a number of key elements in the budget. He explained that Revenues and Appropriates would increase by 4.1% while the Annual Charges - the rates assessed to the town - would increase by a total of \$220,000 or 4.6%. He said that is largely driven by the 4.5% budget increase proposed, at least preliminarily, by the Two Bridges Sewerage Authority. Commenting on that, as noted above, Chairman Voorman and Vice Chairman Verdonik indicated that most likely the TBSA rates will be decreased by application of currently available surplus to bring the rate increase down to approximately 1.5 to 2%.

Following discussion on the budget, in light of the prevailing difficult economic conditions, the Board's consensus was that the FY 2011 rate increase should be on the order of 2% if possible.

UNFINISHED BUSINESS

1. Riverdale Outstanding Payment

Commenting on Mr. Falcon's letter to Riverdale's attorney, Richard Clemack, Commissioner Gall commented that it is unfortunate that the Borough of Riverdale has elected not to pay the bill despite its commitment to do so and despite several notifications from the Authority and the Authority's attorney. On discussion, the Board agreed with Commissioner Gall yet determined that it would not take further action against Riverdale on this time.

2. Riverdale Membership

Mr. Falcon reported that he has issued a letter to Riverdale attorney Richard Clemack, simply requesting an explanation of the Borough's position that it has a right under the service contract to Membership on the Authority. Mr. Falcon explained that the contract is quite clear that Riverdale does not have a right to membership until such time that its actual flows are at 500,000 gallons per day or more.

3. Consulting Engineer's Report

Mr. Kelly advised that his office is currently preparing the Consulting Engineer's Report as required under Section 607 of the General Bond Resolution for filing with the Trustee along with the Consulting Engineer's Certificate. He explained that the certificate will set forth the amount of the System Reserve Requirement which establishes the amount of the reserve to be held annually within the Renewal and Replacement Fund which is currently funded at \$50,000.00.

NEW BUSINESS

1. Webmaster and Website Update

Referring to his June 12th letter along with the proposal of Up & Running, Mr. Kelly said that Chairman Voorman had asked him to check into the advisability of changing webmasters from Glenn Grossman of Marathon Computer, who now resides in Florida, to Sharon Meade of Up & Running. In the course of those evaluations, he said that it became quite apparent that the current website is outdated, in fact, antiquated notably because the software used to create the website is no longer available. That along with other limitations cited in his letter suggest that it would be timely to update the website and at the same time change webmasters.

Following discussion, Vice Chairman Verdonik moved approval of the following resolution (**Resolution No. R-10-7-4**):

WHEREAS, the Pequannock River Basin Regional Sewerage Authority (the "Authority") requires computer consultation services to update its previously established website; and

WHEREAS, the Authority awarded a contract on February 17, 2010 to the computer consultant, Up & Running, of Randolph, New Jersey, to provide computer consultation services; and

WHEREAS, the Authority desires to obtain consultant services to update its website and has reviewed the proposal of Up and Running of July, 2010 to perform said services at a cost not to exceed \$2,000.00; and

WHEREAS, the Local Public Contracts Law, <u>N.J.S.A.</u> 40A:11-1 <u>et seq</u>. does not require public bidding in this situation because the contract would not exceed the bid threshold amount of \$26,000 for the contract year; and

WHEREAS, the Local Public Contracts Law, <u>N.J.S.A.</u> 40A:11-1 <u>et seq.</u> does not require that the Authority solicit at least two competitive quotations, as the agreed-on amount does not exceed 15% of the bid threshold, or \$3,900.00.

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 21st day of July, 2010 as follows:

- 1. The Chairman is authorized and directed to sign an amendment to the present consultant agreement in a form approved by the Authority Attorney providing for computer consultation services to update the Authority website, in accordance with the proposal of Up & Running at a not-to-exceed fee of \$2,000.00.
- 2. This Resolution shall take effect as provided by law.

Commissioner Lampmann seconded the motion which passed unanimously on the following roll call vote: AYES: Chairman Voorman, Commissioners Gall,

Lampmann, Metcalfe and Verdonik

NAYS : None

ABSENT : Commissioner Howard

ABSTAIN : None

2. Affirmative Action

2.1 EEO/AA Audit

For the record, Mr. Kelly advised that the State Department of Treasury has filed a satisfactory compliance with the Authority report on the recent audit conducted by the Department of Equal Employment Opportunity and Affirmative Action.

PAYMENT OF BILLS

1. **Operating Budget**

1.1 Operating Request for Payment No. 280 (June)

Treasurer Gall presented the following bills as listed on Operating Request for Payment No. 280 were presented for approval:

SUMMARY OF VOUCHERS FOR OPERATING EXPENSES

Operating Request for Payment No. 280

The following bills have been reviewed and are recommended for approval for payment at the **July 21, 2010** meeting of the Authority from the Operating Account (Wachovia Bank Account 1425985):

	PRBRSA	VOUCHER	VOUCHER	PAYMENT	
	ACCT. NO.	<u>NO.</u>	DATE	AMOUNT	CHECK PAYABLE TO
1)	22.01	OD 10 7 1	11/20/00 \$	2 240 00	Demonsk of Butley
1)		OP-10-7-1	11/28/08 \$	2,240.00	Borough of Butler
2)		OP-10-7-2	3/17/10 \$	250.00	Borough of Butler
3)		OP-10-7-3	06/21/10 \$	3.25	JCP&L
4)	22.01	OP-10-7-4	7/8/10 \$	3,051.74	Maraziti, Falcon & Healey
5)	22.03	OP-10-7-5	07/14/10 \$	10,400.00	Kelly Engineering
6)	32.02	OP-10-7-6	07/13/10 \$	4,461.69	Kelly Engineering
7)	24.07	OP-10-7-7	07/01/10 \$	174.95	Kelly Engineering
8)	*	OP-10-7-8	07/15/10 \$	661,402.00	Peq. Lincoln Park & Fairfield Sewerage Authority
9)	33.17	OP-10-7-9	07/07/10 \$	7,264.80	ADS LLC
10)	33.16	OP-10-7-10	07/07/10 \$	2,599.60	ADS LLC
11)	26.04	OP-10-7-11	06/16/10 \$	945.00	US Bank
12)	26.04	OP-10-7-12	07/06/10 \$	2,317.50	US Bank
13)	26.01	OP-10-7-13	07/10/10 \$	2,550.00	US Bank
14)	33.05	OP-10-7-14	07/08/10 \$	2,160.18	Duke's Root Control, Inc.
15)	33.03	OP-10-7-15	06/29/10 \$	17.96	Borough of Butler-Electric
16)	33.03	OP-10-7-16	06/23/10 \$	27.37	Verizon
17)	33.03	OP-10-7-17	06/28/10 \$	29.87	Verizon
18)	33.03	OP-10-7-18	07/04/10 \$	29.68	Verizon
19)	33.03	OP-10-7-19	06/28/10 \$	29.87	Verizon
20)	23.08	OP-10-7-20	07/14/10 \$	1,500.00	Stanford Risk Management
21)	23.08	OP-10-7-21	07/14/10 \$	1,750.00	Stanford Risk Management

TOTAL: <u>\$ 703,205.46</u>

*27.00 \$ 50,124.00 13.00 \$ 219,178.00 35.0 \$ 545,581.00 (*8.00) \$ (\$153,481.00) \$ 661,402.00 Meeting Minutes
July 21, 2010 Regular Meeting

Vice Chairman Verdonik moved approval of the bills as presented. Commissioner Metcalfe seconded the motion which passed unanimously on the following roll call vote:

AYES : Chairman Voorman, Commissioners Gall,

Lampmann, Metcalfe and Verdonik

NAYS : None

ABSENT : Commissioner Howard

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 9:05 pm, Commissioner Lampmann moved for adjournment. That motion was seconded by Commissioner Metcalfe and was approved unanimously on voice vote.

At approximately 9:05 pm, the meeting was adjourned.

Respectfully submitted,

Daniel D. Kelly, P.E. Recording Secretary

Enclosure: Treasurer's Report for the period ending June 30, 2010

DDK/ja (001)

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