

**MEETING MINUTES**

**PEQUANNOCK RIVER BASIN REGIONAL SEWERAGE AUTHORITY  
(ORGANIZATION MEETING)**

**February 20, 2013**

Minutes of the organization meeting of the **Pequannock River Basin Regional Sewerage Authority** held on February 20, 2013 in the Conference Room at the Butler Municipal Building, One Ace Road, Butler, New Jersey. The meeting was called to order at approximately 7:30 p.m.

**ROLL CALL**

On roll call:

**PRESENT** : Commissioners Gall, Lampmann, Metcalfe,  
Verdonik and Voorman

**ABSENT** : Commissioner Howard

**ALSO PRESENT** : Christopher H. Falcon, 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 the 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.

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**ORGANIZATION MEETING**

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The organization meeting was called to order by Mr. Falcon who led the proceedings pending the election of officers.

**1. ELECTION OF OFFICERS**

Nominating Committee Chairman Metcalfe, on behalf of the Nominating Committee including Commissioners Howard and Verdonik, presented the following slate of officers for consideration:

**Chairman:** Robert Voorman  
**Vice Chairman:** Raymond Verdonik  
**Secretary:** Edwin Howard  
**Treasurer:** James P. Lampmann  
**Assistant Secretary:** James P. Lampmann

Commissioner Metcalfe moved to approve the slate of officers as presented. That motion was seconded by Commissioner Gall and passed upon the following roll call vote:

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

Acknowledging the Board's reelection, Chairman Voorman thanked the Commissioners for their continued support. At the same time, the Commissioners expressed their appreciation to Chairman Voorman for his years of leadership.

**2. CONSENT AGENDA**

Chairman Voorman recommended that the Authority consider approving the organization meeting resolutions by consent agenda, specifically, for Resolutions No. R-13-2-1 through Resolution No. R-13-2-8 as follows:

- |    |                         |                                     |
|----|-------------------------|-------------------------------------|
| 1. | Resolution No. R-13-2-1 | Open Public Meeting Act             |
| 2. | Resolution No. R-13-2-2 | Official Depository                 |
| 3. | Resolution No. R-13-2-3 | Appointment of Auditor              |
| 4. | Resolution No. R-13-2-4 | Appointment of General Counsel      |
| 5. | Resolution No. R-13-2-5 | Appointment of Bond Counsel         |
| 6. | Resolution No. R-13-2-6 | Appointment of Consulting Engineer  |
| 7. | Resolution No. R-13-2-7 | Trustee Incumbency Certificate      |
| 8. | Resolution No. R-13-2-8 | Designate Affirmative Action (PACO) |

Vice Chairman Verdonik moved the Consent Agenda as presented.

**RESOLUTION**

**WHEREAS.** The Open Public Meetings Act, Chapter 231 of the Laws of 1975, and more specifically, N.J.S.A. 10:4-8, requires all public bodies at least once a year and within seven (7) days of the Annual Organization Meeting of such body to arrange for the posting of a schedule of the regular meetings of the public body to be held during the succeeding year:

**NOW, THEREFORE, BE IT RESOLVED** by the Pequannock River Basin Regional Sewerage Authority as follows:

1. The schedule of regular meetings of the Authority hereinafter set forth is hereby adopted:

**SCHEDULE**

Regular Meetings of the Pequannock River Basin Regional Sewerage Authority are held at the Borough of Butler Municipal Building, One Ace Road, Butler, New Jersey, commencing at 7:30 p.m. unless otherwise noted:

2013

March 20  
April 17  
May 15  
June 19  
July 17  
August 15  
September 1  
October 1  
November (No Meeting)  
December 4 (1st Wednesday)

2014

January 15  
February 19

2. The official newspapers of the Authority are:
  - A. Suburban Trends
  - B. North Jersey Herald and News
3. The Secretary is authorized to:
  - A. Post a copy of this Resolution on the bulletin board at the Authority's Office in the Butler Municipal Building.
  - B. Forward a copy of this Resolution to the Municipal Clerks of Butler, Bloomingdale and Kinnelon for posting in the public place in each community reserved for such notices.

- C. Forward a copy of this Resolution to two newspapers, one of which shall be the official newspaper of the Authority.
4. This Resolution shall take effect as provided by law.

**Resolution No. R-13-2-2**

**RESOLUTION**

**WHEREAS**, the Pequannock River Basin Regional Sewerage Authority (hereinafter "Authority") proposes to designate official depositories for the funds of the Authority.

**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 20th day of February, 2013, as follows:

1. The following are designated as the official depositories of the Authority and are directed to honor all withdrawals made by check or withdrawal document signed by the Chairman or Vice Chairman and Treasurer or Secretary/Assistant Secretary of the Authority:

NEW JERSEY CASH MANAGEMENT FUND  
WELLS FARGO, N.A.  
US BANK, N.A.

2. The Authority hereby authorizes the execution and delivery of such authorization and forms as may be required by Wells Fargo, N.A. and US Bank, N.A., providing for deposits and payments as well as the filing of authenticated signatures of Authority officers and Consulting Engineer as official signatures.
3. This Resolution shall take effect as provided by law.

**Resolution No. R-13-2-3**

**RESOLUTION**

**WHEREAS**, the Pequannock River Basin Regional Sewerage Authority ("the Authority") is authorized by N.J.S.A. 40:14A-1 et seq. to retain such professional and technical advisors and experts as it may require; and

**WHEREAS**, there is a need to appoint professional consultants and advisors to provide services to the Authority during the year 2013 and until the next reorganization meeting of the Authority; and

**WHEREAS**, funds are available for these services:

**WHEREAS**, the foregoing services are "professional" services as in N.J.S.A. 40A:11-2(6) which are permitted to be contracted without public bidding as set forth in N.J.S.A 40A:11-5(1) (a) and as a "non-fair and open" contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, the Authority has determined that the value of the professional services will exceed \$17,500; and,

**WHEREAS**, the professional consultant named below has completed and submitted a Business Entity Disclosure Certification, which certifies that the firm has not made any reportable contributions to a political or candidate committee represented by an Authority member in the previous one year, and that the contract will prohibit the firm from making any reportable contribution through the term of the contract and a C.271 Political Contribution Disclosure Form; and

**WHEREAS**, the Business Disclosure Entity Certification, the C.271 Political Contribution Disclosure Form, and the Determination of Value has been placed on file with this resolution.

**NOW, THEREFORE, BE IT RESOLVED** by the Pequannock River Basin Regional Sewerage Authority in the State of New Jersey on this 20th day of February, 2013, as follows:

The Authority does hereby name and designate Ferraioli, Wielkotz, Cerullo & Cuva, P.A. of Pompton Lakes, New Jersey as Authority Auditor to provide auditing services as required, and subject to the requirements of the Local Public Contracts Law, the Chairman is authorized to execute an agreement therewith for the provision of such service. This contract is awarded for the provision of professional services pursuant to N.J.S.A. 40A:11-5.

The Secretary is authorized and directed to cause a copy of this Resolution to be published in the official newspaper of the Authority concerning the appointment of the aforesaid auditor within ten (10) days of the date hereof. The aforesaid firm shall be paid from funds appropriated for these purposes in accordance with the duly adopted budget of the Authority, the General Bond Resolution of July 15, 1986 and all supplements thereto, and other implementing resolutions of the Authority. An Agreement for services shall be on file and available for inspection by members of the public in accordance with law.

This Resolution shall take effect as provided by law.

**RESOLUTION**

**WHEREAS**, the Pequannock River Basin Regional Sewerage Authority ("the Authority") is authorized by N.J.S.A. 40:14A-1 et seq. to retain such professional and technical advisors and experts as it may require: and

**WHEREAS**, there is a need to appoint professional consultants and advisors to provide services to the Authority during the year 2013 and until the next reorganization meeting of the Authority: and

**WHEREAS**, funds are available for these services:

**WHEREAS**, the foregoing services are "professional" services as in N.J.S.A. 40A:11-2(6) which are permitted to be contracted without public bidding as set forth in N.J.S.A. 40A:11-5(1)(a) and as a "non-fair and open" contract pursuant to the provisions of N.J.S.A. 19:44A-20.5: and

**WHEREAS**, the Authority has determined that the value of the professional services will exceed \$17,500: and.

**WHEREAS**, the professional consultant named below has completed and submitted a Business Entity Disclosure Certification, which certifies that the firm has not made any reportable contributions to a political or candidate committee represented by an Authority member in the previous one year, and that the contract will prohibit the firm from making any reportable contribution through the term of the contract and a C.271 Political Contribution Disclosure Form: and

**WHEREAS**, the Business Disclosure Entity Certification, the C.271 Political Contribution Disclosure Form, and the Determination of Value has been placed on file with this resolution.

**NOW, THEREFORE, BE IT RESOLVED** by the Pequannock River Basin Regional Sewerage Authority in the State of New Jersey on this 20th day of February, 2013, as follows:

The Authority does hereby name and designate Christopher H. Falcon, Esq. of Maraziti, Falcon & Healey, L.L.P., Short Hills, New Jersey as General Counsel to provide legal services as required in accordance with their proposal for these services and subject to the requirements of the Local Public Contracts Law, the Chairman is authorized to execute an agreement therewith for the provision of such service. This contract is awarded for the provision of professional services pursuant to N.J.S.A. 40A:11-5.

The Secretary is authorized and directed to cause a copy of this Resolution to be published in the official newspaper of the Authority concerning the appointment of the aforesaid

General Counsel within ten (10) days of the date hereof. The aforesaid firm shall be paid from funds appropriated for these purposes in accordance with the duly adopted budget of the Authority, the General Bond Resolution of July 15, 1986 and all supplements thereto, and other implementing resolutions of the Authority. The agreement for services shall be on file and available for inspection by members of the public in accordance with law.

This Resolution shall take effect as provided by law.

**Resolution No. R-13-2-5**

**RESOLUTION**

**WHEREAS,** the Pequannock River Basin Regional Sewerage Authority ("the Authority") is authorized by N.J.S.A. 40:14A-1 et seq. to retain such professional and technical advisors and experts as it may require; and

**WHEREAS,** there is a need to appoint professional consultants and advisors to provide services to the Authority during the year 2013 and until the next reorganization meeting of the Authority; and

**WHEREAS,** funds are available for these services:

**WHEREAS,** the foregoing services are "professional" services as in N.J.S.A. 40A:11-2(6) which are permitted to be contracted without public bidding as set forth in N.J.S.A 40A:11-5(1) (a) and as a "non-fair and open" contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS,** the Authority has determined that the value of the professional services will exceed \$17,500; and.

**WHEREAS,** the professional consultant named below has completed and submitted a Business Entity Disclosure Certification, which certifies that the firm has not made any reportable contributions to a political or candidate committee represented by an Authority member in the previous one year, and that the contract will prohibit the firm from making any reportable contribution through the term of the contract and a C.271 Political Contribution Disclosure Form; and

**WHEREAS,** the Business Disclosure Entity Certification, the C.271 Political Contribution Disclosure form and the Determination of Value has been placed on file with this resolution.

**NOW, THEREFORE, BE IT RESOLVED** by the Pequannock River Basin Regional Sewerage Authority in the State of New Jersey on this 20th day of February, 2013, as follows:

The Authority does hereby name and designate Hawkins, Delafield and Wood, Esq., Newark, New Jersey as Bond Counsel to provide legal services as required, and subject to the requirements of the Local Public Contracts Law, the Chairman is authorized to execute an agreement therewith for the provision of such service. This contract is awarded for the provision of professional services pursuant to N.J.S.A. 40A:11-5.

The Secretary is authorized and directed to cause a copy of this Resolution to be published in the official newspaper of the Authority concerning the appointment of the aforesaid counsel within ten (10) days of the date hereof. The aforesaid firm shall be paid from funds appropriated for these purposes in accordance with the duly adopted budget of the Authority, the General Bond Resolution of July 15, 1986 and all supplements thereto, and other implementing resolutions of the Authority. The agreement for services shall be on file and available for inspection by members of the public in accordance with law.

This Resolution shall take effect as provided by law.

**Resolution No. R-13-2-6**

**RESOLUTION**

**WHEREAS**, the Pequannock River Basin Regional Sewerage Authority ("the Authority") is authorized by N.J.S.A. 40:14A-1 et seq. to retain such professional and technical advisors and experts as it may require; and

**WHEREAS**, there is a need to appoint professional consultants and advisors to provide services to the Authority during the year 2013 and until the next reorganization meeting of the Authority; and

**WHEREAS**, funds are available for these services;

**WHEREAS**, the foregoing services are "professional" services as in N.J.S.A. 40A:11-2(6) which are permitted to be contracted without public bidding as set forth in N.J.S.A. 40A:11-5(1) (a) and as a "non-fair and open" contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, the Authority has determined that the value of the professional services will exceed \$17,500; and,

**WHEREAS**, the professional consultant named below has completed and submitted a Business Entity Disclosure Certification, which certifies that the firm has not made any reportable contributions to a political or candidate committee represented by an Authority member in the previous one year, and that the contract will prohibit the firm from making any reportable contribution through the term of the contract and a C.271 Political Contribution Disclosure Form; and



**WHEREAS.** the Business Disclosure Entity Certification, the C.271 Political Contribution Disclosure Form, and the Determination of Value has been placed on file with this resolution.

**NOW, THEREFORE, BE IT RESOLVED** by the Pequannock River Basin Regional Sewerage Authority in the State of New Jersey on this 20th day of February, 2013, as follows:

The Authority does hereby name and designate Kelly Engineering, New Vernon, New Jersey as Consulting Engineer to provide engineering services as required in accordance with its proposal to the Authority for these services, and subject to the requirements of the Local Public Contracts Law, the Chairman is authorized to execute an agreement therewith for the provision of such service. This contract is awarded for the provision of professional services pursuant to N.J.S.A. 40A:11-5.

The Secretary is authorized and directed to cause a copy of this Resolution to be published in the official newspaper of the Authority concerning the appointment of the aforesaid consultant within ten (10) days of the date hereof. The aforesaid firm shall be paid from funds appropriated for these purposes in accordance with the duly adopted budget of the Authority, the General Bond Resolution of July 15, 1986 and all supplements thereto, and other implementing resolutions of the Authority. The agreement for services shall be on file and available for inspection by members of the public in accordance with law.

This Resolution shall take effect as provided by law.

**Resolution No. R-13-2-7**

### **RESOLUTION**

**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 20th day of February, 2013, as follows:

1. This Resolution is enacted to authorize the Authority's Officers to sign the Incumbency Certificate requested by US Bank, N.A. or its successor bank as Trustee under the General Bond Resolution of July 15, 1986, and Resolutions supplemental thereto.
2. The Authority's Officers and Consulting Engineer are authorized to sign the Incumbency Certificate.
3. The Secretary shall deliver an Incumbency Certificate if required and a certified copy of this Resolution to the Trustee.
4. This Resolution shall take effect immediately.

**RESOLUTION**

**WHEREAS**, there exists a need for the designation of an official or employee to serve as a Public Agency Compliance Officer (P.A.C.O.) pursuant to N.J.A.C. 17:27 for Pequannock River Basin Regional Sewerage Authority; and

**WHEREAS**, the P.A.C.O. is the liaison official for matters concerning Affirmative Action as set forth in P.L. 1975, c.127 (N.J.A.C. 17:27); and

**WHEREAS**, the Authority desires to comply with the Affirmative Action requirements and wishes to maintain appropriate contracting procedures for the Pequannock River Basin Regional Sewerage Authority;

**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 20th day of February, 2013, as follows:

1. The Authority does hereby appoint the Consulting Engineer, Daniel D. Kelly, P.E. of Kelly Engineering, as the Public Agency Compliance Officer for the Pequannock River Basin Regional Sewerage Authority.
2. The P.A.C.O. shall act as the liaison between the Authority and the New Jersey Department of the Treasury, Affirmative Action Office and shall take appropriate actions to maintain compliance with the Agency's contracting procedures to comply with the Affirmative Action regulations cited at N.J.A.C. 17:27.
3. The Consulting Engineer is authorized and directed to complete the appropriate notification form designating the P.A.C.O. and to forward the same to the Department of the Treasury.
4. This Resolution shall take effect as provided by law.

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

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

**PRBRSA APPOINTMENT TO TBSA**

In order to reappoint Vice Chairman Raymond Verdonik as the Authority’s representative on the Two Bridges Sewerage Authority Board, Commissioner Gall moved approval of the following resolution (**Resolution No R-13-2-9**):

**Resolution No. R-13-2-9**

**RESOLUTION**

**WHEREAS**, the Sewerage Authorities Law, and specifically N.J.S.A. 40:14A-4(o), provides for the appointment of members to a contiguous sewerage authority where a service agreement between them provides for the same: and

**WHEREAS**, the Pequannock Lincoln Park and Fairfield Sewerage Authority (“TBSA”) and the Pequannock River Basin Regional Sewerage Authority (“PRBRSA”) entered into a Service Agreement dated December 20, 1985 providing for such appointments: and

**WHEREAS**, the Pequannock River Basin Regional Sewerage Authority wishes to reappoint Raymond Verdonik to serve as a representative of PRBRSA to TBSA:

**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 20th day of February, 2013, as follows:

1. Raymond Verdonik is hereby reappointed to represent the Pequannock River Basin Regional Sewerage Authority as aforesaid commencing on the date hereof and ending January 31, 2018 or on the completion of his term on PRBRSA, whichever occurs earlier.
2. This Resolution shall take effect immediately and a certified copy hereof shall be filed in the Office of the Secretary of State, the Office of the Pequannock Lincoln Park and Fairfield Sewerage Authority as well as with the Municipal Clerks of Butler, Bloomingdale, Kinnelon and Riverdale.

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

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

## **MEETING MINUTES**

### **1. Regular Meeting Minutes – January 16, 2013**

Commissioner Gall moved approval of the minutes of the Authority's January 16, 2013 regular meeting. That motion was seconded by Commissioner Metcalfe and was approved unanimously on the following roll call vote:

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

**NAYS** : None

**ABSTAIN** : None

**ABSENT** Commissioner Howard

## **OPERATIONAL REPORT**

### **1. System Operations**

#### **1.1 Flow Report**

Commenting on the flow report for the period ending January 31, 2013, Mr. Kelly observed that the imbalances in the flow persist, notably, the relationship with Meter P-1A to Meter P-2A and the related difference between Meters P-2A and P-4. He reported that he has again been in contact with Peter Keefe of ADS Environmental Services to go over specific concerns in those areas and expects that Mr. Keefe will prepare a report using data from the temporary flow analysis, particularly that in 2010, to determine if there are any reasons to adjust the flow monitor settings.

Mr. Kelly distributed the following reports to the Board for review:

#### **January 2013**

- Flow Report dated February 19, 2013 for the period ending January 2013
- Daily Flow Summary for January 2013
- Daily Flow Hydrograph for January 2013
- Daily Flow Hydrograph Comparing Meters P-4 and TBSA Meter M-15 for January 2013
- Flow Report dated Revised February 12, 2013 for the period ending December 2012
- Daily Flow Summary for December 2012
- Daily Flow Hydrograph for December 2012

- Daily Flow Hydrograph Comparing Meters P-4 and TBSA Meter M-15 for January 2013
- TBSA Budgeted vs. Actual Flow for January

## **1.2 TBSA Flow**

Mr. Kelly reviewed his February 14, 2013 memorandum summarizing the flows budgeted by TBSA versus the actual flows as well as the actual flows inclusive of the 1.85 mgd minimum flow per service contract. Since the actual flow for January 2013 was below the contractual minimum flow, Mr. Kelly indicated that the difference amounts to a 2.95 increase over the budgeted percentage. Accordingly he advised that if that trend were to continue throughout the year the Authority would owe substantial additional Annual Charges to TBSA for prior year flow adjustments.

## **2. TBSA Activities**

### **2.1 Status Update**

Vice Chairman Verdonik advised that TBSA reorganized as well at its February meeting and elected the same slate of officers as the prior year. He said that generally the construction projects are coming to a close.

## **3. TWA Application and Connection Permits**

No change in status on this matter.

## **4. Boonton Avenue Interceptor**

Mr. Kelly advised that his office issued the state's pay-to-play documents for execution by the Alaimo Group and, on receipt of that information, expects to issue the Notice to Proceed on the engineering investigations of the Boonton Avenue Interceptor.

## **5. Bloomingtondale Interceptor: Emergency Repairs**

Referring to a number of communications including his February 13, 2013 memorandum outlining the nature of the emergency repair on the Authority's Bloomingtondale Interceptor in Bloomingtondale, Mr. Kelly recommended that the Board approve payment to L. Becker & Son for their services as well as for the Bloomingtondale Police Department's traffic control activities.

Following discussion, Commissioner Lampmann moved adoption of the following resolution (**Resolution No. R-13-2-10**):

**RESOLUTION AUTHORIZING EMERGENCY REPAIRS**

**WHEREAS**, an emergency situation developed, which could not have been reasonably foreseen, with respect to the need to repair a manhole frame which was damaged located in Bloomingdale at the intersection of Paterson Hamburg Turnpike and Vreeland Avenue; and

**WHEREAS**, the Authority's manhole frame cracked causing an unstable condition and potential traffic hazard, thereafter the manhole frame was repaired immediately for public safety reasons; and

**WHEREAS**, the Authority has reviewed the attached memorandum from the Consulting Engineer of the Authority, Daniel D. Kelly, P.E., Kelly Engineering, dated February 13, 2013 , regarding the emergency procurement of services in connection with the necessary repair work ; and

**WHEREAS**, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-6, a contract may be awarded without public advertising for bids and bidding when an emergency affecting the public health, safety or welfare requires the immediate performance of the services; and

**WHEREAS**, the Authority is satisfied that, for the reasons articulated in the above referenced memorandum , attached hereto and made a part hereof, the proposed emergency procurement is justified and meets the requirements of the Local Public Contracts Law, N.J.S.A. 40A:11-6, and regulations promulgated thereto, N.J.A.C. 5:34-6.1.

**NOW, THEREFORE, BE IT RESOLVED BY THE PEQUANNOCK RIVER BASIN REGIONAL SEWERAGE AUTHORITY, AS FOLLOWS:**

1. The Authority declares that an emergency exists with respect to the immediate need to repair the damaged manhole frame as further described in the aforementioned memorandum of the Consulting Engineer , which emergency required the immediate emergency procurement of services in order to protect public health, safety and welfare.
2. The Consulting Engineer is authorized and directed to make payment without public bidding in accordance with N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1, to L. Becker & Son in the amount of \$1980.00 for the provision of emergency services as necessary for the repair work and is further authorized and directed to make payment to the Bloomingdale Police Department in an amount of \$750.00 for incidental traffic control.
3. This Resolution shall take effect as provided by law.

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

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

**6. NJDOT Route 23 Improvement Project**

Mr. Kelly advised that he responded to the Department of Transportation’s request for information on Authority-owned facilities along the Route 23 corridor from Riverdale to West Milford Township. He explained that the Department will be initiating design work on improvements to the roadway which in some cases that may involve minor widening and other activities that would potentially interfere with existing infrastructure including the Authority’s lines. He noted that two PRBRSA lines intersect Route 23 at different locations. Boonton Avenue and Kiel Avenue/Kinnelon Road.

**FINANCIAL REPORT**

**1. Treasurer’s Report**

**1.1 Treasurer’s Report for the period ending January 31, 2013**

Treasurer Lampmann presented the Treasurer’s Report for the period ending January 31, 2013. Commissioner Metcalfe moved approval of the Treasurer’s Report as presented. Treasurer Lampmann seconded the motion which passed unanimously on the following roll call vote:

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

**2. Annual Budget: FY 2013**

For the record, Mr. Kelly advised that his office prepared and issued to the Borough of Bloomingdale and Butler the “Second Revised Annual Charge Certifications” on January 24, 2013. He explained that the rebilling involves the debt service adjustments for both towns resulting from the Bloomingdale Subflow in accordance with

prior policy of the Board. He further explained that the Bloomingdale Subflow debt service adjustments have no effect with respect to either Kinnelon or Riverdale.

3. **FY 2012 Surplus Refund to Municipalities**

Mr. Kelly noted that this matter was carried from the January 16<sup>th</sup> meeting agenda indicating that he had calculated and presented to the Board by letter dated January 30, 2013 estimates of the distribution amounts payable to each town surplus refunds of \$100,000, \$150,000 or \$200,000.

On discussing the matter, Commissioner Metcalfe asked if the Authority would retain sufficient funds on hand including reasonable reserves if it refunds up to \$200,000 to the towns. In the process he noted that, from the Borough of Kinnelon's perspective, a refund of \$8660 may not be that significant yet the distributions to the other towns are of greater consequence. On discussing the matter, Mr. Kelly as well as Chairman Voorman noted that the Authority has considerable reserves, both in the categories of "unrestricted/undesignated net assets" and, as Chairman Voorman explained, in "unrestricted/designated net assets" as well. Referring to the recently completed audit report, Chairman Voorman noted the amounts available as of October 31, 2012 in the latter category of net assets as summarized on Page 34 there.

Continuing discussion, Treasurer Lampmann questioned how the refund would be issued to the towns. Mr. Kelly advised that in the prior year's refunds were simply credited to the towns by reducing the Annual Charges payable in the current year for prior year refund. Treasurer Lampmann explained that that methodology proves to be problematic from the town's standpoint in that it effectively reduces the cost basis upon which the towns calculate their 2% cap limit. Consequently, any deduction of the credit would actually limit the amount available year-to-year under the 2% cap as permissible under the law. Another concern which he and other Commissioners referenced is the implication that the Authority's costs have been reduced to the extent of the refund. He explained that the towns often base current expenditures on cash outlays for the prior year and in so doing would expect that this reduction would carry forward from year-to-year which it will not. In view of those issues, Treasurer Lampmann recommended that the Board, if the refund is approved, do so by means of direct disbursement to each town.

Following discussion, Mr. Falcon modified the draft form of resolution to reflect the fact that the surplus distribution will be made by check to each town.

In order to move approval of the \$200,000 refund of surplus, Treasurer Lampmann moved approval of the following resolution (**Resolution No. R-13-2-14**):



**Resolution No. R-13-2-14**

**RESOLUTION AUTHORIZING REFUND OF NET ASSETS**

**WHEREAS**, the Pequannock River Basin Regional Sewerage Authority (hereinafter, the "Authority") has completed its annual audit of operations for fiscal year 2012; and

**WHEREAS**, the annual audit confirms that FY 2012 operations in combination with the refunding of outstanding debt through issuance of the 2012 Series N Refunding Bonds and other transactions resulted in an increase of net assets or surplus for the fiscal period; and

**WHEREAS**, the Authority desires to refund portion of the surplus realized during its fiscal year 2012.

**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 20<sup>th</sup> day of February 2013 as follows:

1. The Consulting Engineer is authorized and directed to refund a total of \$200,000.00 of net assets to the municipalities which amount shall be credited against the Net Annual Charges payable by each municipality within fiscal year 2013.
2. To effect this refund, the Consulting Engineer shall prepare and issue to each municipality a check representing a refund of net assets in the following manner:

<b><u>Refund of Surplus from FY 2013 Operations</u></b>	
<b><u>\$200,000 Refund</u></b>	
Bloomingdale	\$64,600
Butler	\$88,520
Kinnelon	\$ 8,660
Riverdale	\$38,220
<b>Total</b>	<b>\$200,000.00</b>

3. The Consulting Engineer is directed to forward a copy of this resolution to the Boroughs of Bloomingdale, Butler, Kinnelon and Riverdale and to the Authority's auditor.
4. This resolution shall take effect immediately.

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

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

4. **Audit: FY 2012**

For the record Mr. Kelly noted that the annual audit report for Fiscal Year 2012 had been distributed to the Commissioners for review. In order to comply with the Local Finance Board's regulations, Commissioner Metcalfe moved approval of the following resolution (**Resolution No. R-13-2-11**):

**Resolution No.R-13-2-11**

**RESOLUTION**

**WHEREAS**, N.J.S.A. 40A:5A-15 requires the governing body of each local authority to cause annual audit of its accounts to be made; and

**WHEREAS**, the annual audit report for the fiscal year ended October 31, 2012 has been completed and filed with the Director of the Division of Local Government Services pursuant to N.J.S.A. 40A:5A-15; and

**WHEREAS**, N.J.S.A. 40A:5A-17 requires the governing body of each Authority to, within 45 days of receipt of the annual audit, certify by resolution to the Local Finance Board that each member thereof has personally reviewed the annual audit report, and specifically the sections of the audit report entitled "General Comments" and "Recommendations," and has evidenced same by group affidavit in the form prescribed by the Local Finance Board; and

**WHEREAS**, the members of the governing body have received the annual audit and have personally reviewed the annual audit, and have specifically reviewed the sections of the annual audit report entitled "General Comments" and "Recommendations" in accordance with N.J.S.A. 40A:5A-17;

**NOW, THEREFORE, BE IT RESOLVED**, that the governing body of the Pequannock River Basin Regional Sewerage Authority hereby certifies to the Local Finance Board of the State of New Jersey that each governing body member has personally reviewed the annual audit report for the fiscal year ended October 31, 2012, and specifically has reviewed the sections of

the audit report entitled "General Comments" and "Recommendations," and has evidenced same by group affidavit in the form prescribed by the Local Finance Board.

**BE IT FURTHER RESOLVED** that the Secretary of the Authority is hereby directed to promptly submit to the Local Finance Board the aforesaid group affidavit, accompanied by a certified true copy of this resolution.

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

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

5. **Report on Compliance**

Commenting on the auditor's review of the Authority's FY 2012 billings including calculations of the Annual Charges payable and paid by each of the municipalities for the prior year. Mr. Kelly said that he has responded to several questions from Mr. Winkle and expects that the Compliance Report will be issued shortly.

6. **Capital Reserve Fund**

As indicated by his February 11<sup>th</sup> letter, Mr. Kelly recommended that the Board consider contributing another \$500,000.00 to the Capital Reserve Fund.

Following discussion, Treasurer Lampmann moved approval of the following resolution (**Resolution No. R-13-2-12**):

**Resolution No. R-13-2-12**

**RESOLUTION**

**WHEREAS**, the Pequannock River Basin Regional Sewerage Authority (hereinafter the "Authority") maintains certain funds in reserve in accordance with the General Bond Resolution of July 15, 1986; and

**WHEREAS**, the Authority previously established the Capital Reserve Fund to minimize future rate impacts anticipated on implementation of the Two Bridges Sewerage Authority

capital improvement program, sludge treatment system modifications, and Authority capital projects: and

**WHEREAS**, the Authority's auditor has confirmed that FY 2012 operations resulted in an operational surplus of \$487,601 increasing undesignated unrestricted net assets to \$1,251,963; and

**WHEREAS**, the Authority desires to increase the reserve amount within the Capital Reserve Fund to stabilize rates and charges to the municipalities.

**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 20<sup>th</sup> day of February, 2013 as follows:

1. An amount of \$500,000.00 of unrestricted/undesignated net assets currently within the Revenue Fund (Account No. 2576006500) shall be designated as a reserve within the Capital Reserve Fund.
2. Said designation shall increase the unrestricted/designated net assets within the Capital Reserve Fund from \$1,775,000.00 to \$2,275,000.00
3. The funds so designated shall be transferred to and retained in a subaccount within the General Fund (Account No. 2576006485).
4. The Consulting Engineer is directed to forward a copy of this resolution to the Authority's Trustee and auditor.
5. This Resolution shall take effect immediately.

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

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

## UNFINISHED BUSINESS

### 1. PRBRSA Email (Intermedia)

As recommended by his letter dated February 15, 2013, Mr. Kelly requested approval of Up & Running's contract for computer consultation services related to the InterMedia email system. In response to Commissioner Metcalfe's question, Mr. Kelly advised that Up & Running's authorization for the prior year was \$2,250.00 as compared to the current year request of \$1350.00 and further noted that Up & Running's total billings for the prior year are estimated at \$150.00.

Vice Chairman Verdonik moved approval of the following resolution (**Resolution No. R-13-2-13**):

### Resolution No. R-13-2-13

#### **RESOLUTION AWARDING CONTRACT FOR PROVISION OF COMPUTER CONSULTATION SERVICES**

**WHEREAS**, the Pequannock River Basin Regional Sewerage Authority (the "Authority") requires computer consultation services to support its electronic communications system (Intermedia email); and

**WHEREAS**, the computer consultant Up & Running, of Randolph, New Jersey, has agreed to provide such general computer consultation services on an as needed basis; and

**WHEREAS**, Up & Running has, by proposal dated February 8, 2013, estimated the consultation services at 1.5 hours per month for a maximum 18 hours, and the consultant proposes to provide services at a not-to-exceed fee of \$1350.00; and

**WHEREAS**, the consultant will submit periodic invoices not more frequently than monthly for work completed to be billed at \$75.00 per hour; and

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-1 etseq. does not require public bidding in this situation because the contract is for the provision of extraordinary unspecifiable services; and

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-1 etseq. 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 \$2,625.00.

**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 20th day of February, 2013 as follows:

1. The Chairman is authorized and directed to sign an agreement in a form approved by the Authority Attorney providing for general computer consultation services on an as needed basis to support the previously established electronic communications system (email) and website in accordance with the proposal of Up & Running at a not-to-exceed fee of \$1350.00, billed at an hourly rate of \$75/hour.
2. This Resolution shall take effect as provided by law.

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

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

**NEW BUSINESS**

**1. Kinnelon Reappointment (Paul Metcalfe)**

For the record, Mr. Kelly advised that the Borough of Kinnelon Mayor and Council reappointed Commissioner Paul Metcalfe for another 5-year term extending through January 31, 2018. The Commissioners recognized Commissioner Metcalfe’s service on the Authority and congratulated him on his reappointment.

**2. Bayman’s Protective Association - Notice of Tort Claim**

Mr. Falcon advised that the Authority has been named in a Notice of Tort Claim by the Bayman’s Protective Association claiming that somehow the Authority’s system discharged waters that negatively affected clamming operations in Raritan Bay and other waters of the state. Mr. Falcon explained that this type of notice must be issued prior to initiating litigation. He said that he will consider contacting the Bayman’s Protective Association attorneys to advise that there is clearly a mistake in their naming Pequannock River Basin in this matter.

**3. LFB Financial Disclosure Form Filing**

Mr. Kelly advised that the Local Finance Board has adopted a new procedure that will require that each Commissioner file directly online his annual Financial Disclosure Form. He distributed the January 28<sup>th</sup> memorandum and notice from the LFB and noted that, to date, the state has not established the mechanism necessary to make that filing. Nonetheless, he said that process will be tracked by his office and as soon as the state's system is established, that his office will provide further notice to the Board on the necessary procedures for the filing.

**4. AEA Utility Management Conference**

Mr. Kelly advised that the Association of Environmental Authority's Utility Management Conference is scheduled for March 12<sup>th</sup> and 13<sup>th</sup> in Atlantic City and asked if any of the Commissioners are interested in going that they contact his office to make the necessary arrangements.

**5. WEFTEC**

Vice Chairman Verdonik commented that the WEFTEC conference is slated for Chicago this October noting that he may plan to attend.

**PAYMENT OF BILLS**

**1. OPERATING ACCOUNT**

**1.1 Operating Request for Payment No. 310 (January 2013)**

Treasurer Lampmann presented the bills as listed on Operating Request for Payment No. 310 as follows:

**Operating Request for Payment No. 310**

The following bills have been reviewed and are recommended for approval for payment at the **February 20, 2013** meeting of the Authority from the Operating Account (Wells Fargo Bank Account 1425

	<u>PRBRSA</u>	<u>VOUCHER</u>	<u>VOUCHER</u>	<u>PAYMENT</u>	
	<u>ACCT.</u>	<u>NO.</u>	<u>DATE</u>	<u>AMOUNT</u>	<u>CHECK PAYABLE TO</u>
	<u>NO.</u>	<u>NO.</u>	<u>DATE</u>	<u>AMOUNT</u>	<u>CHECK PAYABLE TO</u>
1)	33.01	OP-13-2-1	9/12/2012	\$ 2,425.00	Borough of Butler
2)	24.05	OP-13-2-2	3/17/2012	\$ 250.00	Borough of Butler
3)	33.03	OP-13-2-3	1/3/13	\$ 33.39	Verizon
4)	33.03	OP-13-2-4	1/3/13	\$ 29.69	Verizon
5)	33.03	OP-13-2-5	1/4/13	\$ 33.21	Verizon
6)	33.03	OP-13-2-6	01/23/13	\$ 29.41	Verizon

7)	33.03	OP-13-2-7	01/28/13	\$	33.09	Verizon
8)	33.03	OP-13-2-8	01/28/13	\$	33.09	Verizon
9)	33.03	OP-13-2-9	02/04/13	\$	33.23	Verizon
10)	33.03	OP-13-2-10	2/8/2013	\$	3.25	JCP&L
11)	22.01	OP-13-2-11	1/8/2013	\$	1,103.50	Maraziti, Falcon & Healey
12)	22.01	OP-13-2-12	2/14/2013	\$	3,113.00	Maraziti, Falcon & Healey
13)	32.02	OP-13-2-13	01/21/13	\$	5,826.23	Kelly Engineering
14)	33.02	OP-13-2-14	2/15/2013	\$	750.00	Bloomington Police Dept.
15)	33.02	OP-13-2-15	2/15/13	\$	1,980.00	L. Becker & Son
16)	33.02	OP-13-2-16	2/15/2013	\$	1,723.00	Campbell Foundry
17)	33.16	OP-13-2-17	1/8/13	\$	2,952.29	ADS LLC
18)	22.04	OP-13-2-18	2/7/13	\$	3,750.00	Hawkins, Delafield & Wood
19)	22.03	OP-13-2-19	2/4/2013	\$	10,400.00	Kelly Engineering
20)	32.02	OP-13-2-20	2/6/2013	\$	6,288.22	Kelly Engineering
21)	24.07	OP-13-2-21	2/6/2013	\$	204.80	Kelly Engineering
22)	26.04	OP-13-2-22	1/9/2013	\$	2,317.50	US Bank
23)	22.05	OP-13-2-23	2/6/2013	\$	125.00	Pete Serran
24)	33.03	OP-13-2-24	12/28/2012	\$	17.96	Borough of Butler -Electric
25)	33.03	OP-13-2-25	2/1/2013	\$	<u>17.96</u>	Borough of Butler -Electric

**TOTAL:                    \$ 43,472.82**

Treasurer Lampmann moved approval of the bills as presented. Commissioner Gall seconded the motion which passed on the following roll call vote:

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

**NAYS                    :**           None

**ABSENT                :**           Commissioner Howard

**OPEN MEETING FOR PUBLIC COMMENTS**

Their being no members of the public present, Chairman Voorman dispensed with the public participation portion of the meeting.



## **ADJOURNMENT**

Their being no further business. Commissioner Metcalfe moved adjournment at approximately 8:30 p.m. That motion was seconded by Commissioner Howard which passed unanimously on voice vote.

At approximately 8:30 p.m., the meeting was adjourned.

Respectfully submitted,

Daniel D. Kelly, P.E.  
Recording Secretary

Enclosures: Treasurer's Report for the period ending January 31, 2013  
Incumbency Certificate

DDK/bsh (001)

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1. The Chairman is authorized and directed to sign an agreement in a form approved by the Authority Attorney providing for general computer consultation services on an as needed basis to support the previously established electronic communications system (email) and website in accordance with the proposal of Up & Running at a not-to-exceed fee of \$1350.00, billed at an hourly rate of \$75/hour.
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<b>AYES</b>	:	Chairman Voorman, Commissioners Gall, Lampmann, Metcalfe and Verdonik
<b>NAYS</b>	:	None
<b>ABSTAIN</b>	:	None
<b>ABSENT</b>	:	Commissioner Howard

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25)	33.03	OP-13-2-25	2/1/2013	\$	<u>17.96</u>	Borough of Butler -Electric

**TOTAL:                    \$ 43,472.82**

Treasurer Lampmann moved approval of the bills as presented. Commissioner Gall seconded the motion which passed on the following roll call vote:

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

**NAYS**                    :            None

**ABSENT**                :            Commissioner Howard

**OPEN MEETING FOR PUBLIC COMMENTS**

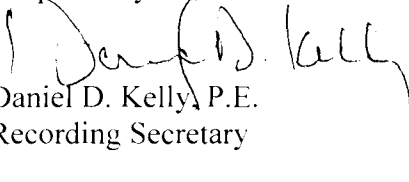
Their being no members of the public present, Chairman Voorman dispensed with the public participation portion of the meeting.

## ADJOURNMENT

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Respectfully submitted,



Daniel D. Kelly, P.E.  
Recording Secretary

Enclosures: Treasurer's Report for the period ending January 31, 2013  
Incumbency Certificate

DDK/bsh (001)

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