

MEETING MINUTES

PEQUANNOCK RIVER BASIN REGIONAL SEWERAGE AUTHORITY

September 16, 2020

Minutes of the regular meeting of the **Pequannock River Basin Regional Sewerage Authority** held on September 16, 2020 via Teleconference Chairman Verdonik called the meeting to order at approximately 5:00 p.m.

ROLL CALL

On roll call:

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

ABSENT : None

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

OPEN PUBLIC MEETING STATEMENT

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

ADOPTION OF MINUTES

1. Meeting Minutes: Regular Meeting – August 19, 2020

Commissioner Metcalfe moved acceptance of the minutes of the August 19, 2020 regular meeting. That motion was seconded by Commissioner Lampmann and approved on the following roll call vote:

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

NAYS : None

ABSENT : None

ABSTAIN : None

2. Special Meeting Minutes: Regular Meeting – August 13, 2020

Commissioner Metcalfe moved acceptance of the minutes of the August 13, 2020 special meeting. That motion was seconded by Commissioner Lampmann and approved on the following roll call vote:

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

NAYS : None

ABSENT : None

ABSTAIN : None

OPERATIONAL REPORT

1. **SYSTEM OPERATIONS**

1.1 **Alternative Cost Recovery Methodologies**

Ms. Avagnano advised the Board that PRBRSA has received the 2020 Amended and Restated Service Contracts with approval ordinances from all four municipalities. She also advised that PRBRSA has also received the executed and adopted Riverdale Membership Petition.

Mr. Falcon informed the Board that the next step would be filing Riverdale's August 26th Membership Ordinance along with PRBRSA's approval resolution with the State. Diane Alexander confirmed that counsel, bond counsel and the consulting engineer were working on finalizing the documentation including the opinion letters and certifications required for filing with the State. She further advised that due to Covid-19 restrictions the State would not be in office until Tuesday, September 22nd at which time Maraziti Falcon would deliver the documents for filing. She mentioned that once the Membership filing is stamped that a complete set of the documents including the opinion letters, certifications as well as a copy of the 2020 Amended and Restated Service Contract would be filed with the Trustee which would begin their 30 day review process.

Vice Chairman Voorman asked if Riverdale would be able to have two representatives beginning in November. Ms. Alexander responded confirming that Riverdale should be a full Member on November 1st and, therefore, once the Borough appointed two local representatives to PRBRSA by resolution, those members would join the meetings. Mr. Kelly mentioned that the Riverdale

members would then be in attendance at the first FY 2021 PRBRSA meeting on December 2nd.

1.2 Flow Report

Ms. Avagnano noted that the Flow Report for the period ending August 2020 was included in the meeting materials along with the following items:

August 2020

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

1.3 TBSA Flow Report (Budget vs. Actual)

Ms. Avagnano advised that Mr. Kelly's memorandum was distributed in the file folders showing that the TBSA M-15 Meter and PRBRSA's Meter P-4 were tracking closer than prior periods.

2. TBSA ACTIVITIES

2.1 Status Update

Chairman Verdonik reported on the activities currently underway at Two Bridges. He advised that TBSA is trying to minimize year-end differentials in the flows to reduce the year-end flow adjustments by proposing a change in the budgeted flows for FY 2021. For PRBRSA the increase in the User Charge is minimal. Chairman Verdonik said both he and Commissioner Voorman were comfortable with the proposed percentage increase to offset annual refunds of surplus to buffer the rate impacts to the towns negatively affected.

Chairman Verdonik also reported that Mr. Bongiovanni, TBSA Executive Director, has announced his plans for retirement next year so succession planning is currently being discussed.

Note: Diane Alexander left the meeting in progress at approximately 5:09 pm

3. TWA APPLICATIONS AND CONNECTION PERMITS

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

Ms. Avagnano advised that the Pre-Construction meeting for Contract PRB-20-1 is scheduled for Thursday, September 17th with the Notice to Proceed to follow

shortly thereafter. She also advised that once the Notice to Proceed is issued that the contractor will have 30 days to complete the project.

Vice Chairman Voorman inquired if PRBRSA has received a response from Riverdale on the outstanding payment for cost reimbursement. Ms. Avagnano confirmed that no response had been received.

Vice Chairman Voorman questioned whether Riverdale's membership status would change their reimbursement responsibility. Mr. Falcon replied, stating that Riverdale's responsibility for payment of the expenses related to the rehabilitation of the unauthorized connection are not affected by Membership status on PRBRSA.

4. BOONTON AVENUE INTERCEPTOR

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

Ms. Avagnano advised that the 48" casing pipe was delivered this morning. She also advised that they were able to sell the 36" casing pipe to a reseller for a cost recovery of \$3300. Commissioner Howard asked the original price of the pipe, which was reported at around \$15,000.

Chairman Verdonik asked Mr. Kelly to report on the status of the project.

Mr. Kelly reported that the following work has been completed since mid-July:

The jacking pit and concrete floor along with the jacking rail system and equipment have been installed; the dewatering operation has been maintained and running continuously including the infiltration system; water main tapping sleeves and valves (wet taps) were installed in Park Place and Main Street; a 10-inch water main insertion valve was installed in Main Street; the NYS&W Railroad submittals were filed and have been approved by the Railroad; Shop drawings for the crossing have been submitted by the Contractor and approved by MM. Finally, as mentioned, the 48" casing pipe was delivered. The tunneling work is scheduled to restart on Monday, September 21st.

5. FINANCIALS

5.1 Treasurer's Report: August 31, 2020

Treasurer Lampmann presented the Treasurer's Report for the period ending August 31, 2020 and moved its approval as presented.

That motion was seconded by Vic Chairman Voorman and approved unanimously on the following roll call vote:

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

NAYS : None

ABSENT : None

ABSTAIN : None

5.2 DLGS Annual Budget: FY 2021

Ms. Avagnano advised that the DLGS approved the Authority's FY 2021 Annual Budget on September 2, 2020.

6. UNFINISHED BUSINESS

None

7. NEW BUSINESS

7.1 Contract OM-5 – ADS Proposal C

Ms. Avagnano reported that ADS advised that while filing their NJ Workforce Compliance Certificate that they found that they should have been paying NJ prevailing wage scale for their field activities which would result in higher costs. Mr. Falcon confirmed that the Authority has the right to hold ADS to the Proposal C pricing under the contract.

Chairman Verdonik requested that Contract OM-5 Proposal C be placed on the October 21st agenda for action.

8. CONSENT AGENDA

Ms. Avagnano read the resolutions, by title, to be considered under the consent agenda.

Commissioner Lampmann moved the Consent Agenda as follows:

Resolution No. R-20-9-1 : RESOLUTION AUTHORIZING MEMBERSHIP OF BOROUGH OF RIVERDALE IN THE PEQUANNOCK RIVER BASIN REGIONAL SEWERAGE AUTHORITY

Resolution No. R-20-9-2: RESOLUTION AUTHORIZING THE EXECUTION OF 2020 AMENDED AND RESTATED SERVICE CONTRACT

Resolution No. R-20-9-3: RESOLUTION AUTHORIZING CONTRACT

NO. OM-1 RENEWAL WITH THE BOROUGH OF BUTLER

Resolution No. R-20-9-1

**RESOLUTION AUTHORIZING MEMBERSHIP OF BOROUGH
OF RIVERDALE IN THE PEQUANNOCK RIVER BASIN
REGIONAL SEWERAGE AUTHORITY**

WHEREAS, in 1974, the municipalities of Bloomingdale, Butler and Kinnelon, created the “Pequannock River Basin Regional Sewerage Authority” (hereinafter, the “Authority”), by their several ordinances duly adopted in the single calendar year 1974 by their respective governing bodies; and

WHEREAS, the Authority was created as a public body corporate and politic of the State of New Jersey organized and existing under the Sewerage Authorities Law, N.J.S.A. 40:14A-1 et seq., (hereinafter referred to as the “Act”) and the acts amendatory thereof and supplemental thereto, exercising public and essential governmental functions to provide for the public health and welfare, with all necessary or proper powers to acquire, construct, maintain, operate and use works for the relief of waters in, bordering or entering the territorial boundaries of Bloomingdale, Butler and Kinnelon from pollution by sewage and industrial and other wastes arising from causes within such territory; and

WHEREAS, the Borough of Riverdale, a municipality which is contiguous to the District of the Authority, is currently a customer of the Authority pursuant to the 1987 Service Contract between the Authority and Riverdale (the “1987 Riverdale Service Contract”). Section 609 of the 1987 Riverdale Service Contract provides that, “Riverdale shall have the right to become a Member of the Authority whenever its wastewater flows exceed 500,000 g.p.d. or represents 25% of the Authority’s monthly average daily flow contribution to the System. Thereafter and following the completion of the procedural requirements of the Act, the service area of the Authority shall consist of Butler, Bloomingdale, Kinnelon and Riverdale, and Riverdale shall appoint two representatives of Riverdale to serve on the Authority for terms determined in accordance with the Act;” and

WHEREAS, the wastewater flow from Riverdale has periodically exceeded 500,000 g.p.d. and the wastewater of Riverdale has periodically been greater than 25% of the Authority’s monthly average daily flow contribution to the System, therefore, Riverdale may propose to become a Member Municipality of the Authority consistent with Section 609 of the 1987 Riverdale Service Contract; and

WHEREAS, pursuant to the Act at N.J.S.A. 40:14A-4(m)(i), the governing body of a contiguous municipality may, by ordinance, propose that the municipality be a part of the district of a sewerage authority; and

WHEREAS, Riverdale has, by Ordinance 5-2020, enacted August 26, 2020, petitioned the Authority for membership in the Authority, and has secured such approvals as are required pursuant to the Bond Resolution of the Authority.

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 16th day of September, 2020, as follows:

1. In accord with the Act at N.J.S.A. 40:14A-4(m)(i), Riverdale shall hereby be a part of the District and a Member Municipality and Participant of the Pequannock River Basin Regional Sewerage Authority upon the filing of a certified copy of this Resolution along with a copy of Ordinance 5-2020, enacted by Riverdale and duly certified, in the office of the Secretary of State, and that, after becoming a Member Municipality and Participant of the Pequannock River Basin Regional Sewerage Authority, Riverdale shall appoint two members, one for an initial term of five (5) years and one for a term of four (4) years, as set forth at N.J.S.A. 40:14A-4(c).
2. This Resolution shall take effect upon the filing of a certified copy of this Resolution along with a copy of Ordinance 5-2020, enacted by Riverdale and duly certified, in the office of the Secretary of State.

Resolution No. R-20-9-2

**RESOLUTION AUTHORIZING THE EXECUTION OF 2020
AMENDED AND RESTATED SERVICE CONTRACT**

WHEREAS, in 1974, the municipalities of Bloomingdale, Butler and Kinnelon, created the “Pequannock River Basin Regional Sewerage Authority” (hereinafter, the “Authority”), by their several ordinances duly adopted in the single calendar year 1974 by their respective governing bodies; and

WHEREAS, the Authority was created as a public body corporate and politic of the State of New Jersey organized and existing under the Sewerage Authorities Law, N.J.S.A. 40:14A-1 *et seq.*, (hereinafter referred to as the “Act”) and the acts amendatory thereof and supplemental thereto, exercising public and essential governmental functions to provide for the public health and welfare, with all necessary or proper powers to acquire, construct, maintain, operate and use works for the relief of waters in, bordering or entering the territorial boundaries of Bloomingdale, Butler and Kinnelon from pollution by sewage and industrial and other wastes arising from causes within such territory; and

WHEREAS, the Borough of Riverdale shall become a Member Municipality and a Participant in the Authority by reason of the securing of certain approvals pursuant to the Bond Resolution of the Authority and the enactment of an Ordinance by Riverdale and adoption of a resolution by the Authority in accord with the Act at N.J.S.A. 40:14A-4(m)(i) upon the filing of a certified copy of the Ordinance duly certified together with a certified copy of the Resolution of the Authority with the Secretary of State; and

WHEREAS, the Authority and Bloomingdale, Butler, Kinnelon and Riverdale desire to restate the existing obligations and amend the 1990 Amendment to the 1985 Service Contract and 1987 Riverdale Service Contract, and all amendments thereto, to true up the capacity allocations and locations of existing facilities; incorporate the Authority’s policy relevant to connections to the System; revise the measurement of volume of sewage and billing from flow metering to Equivalent

Dwelling Units (EDUs) for the Operating Charge portion of the Annual Charge; incorporate the Authority's policy regarding surcharges for discharges in excess of a Participant's reserve capacity and waivers of the same, and related matters; and

WHEREAS, the Borough of Bloomingdale has, by Ordinance 17-2020, enacted May 19, 2020, authorized the execution of the 2020 Amended and Restated Service Contract attached hereto and made a part hereof; and

WHEREAS, Borough of Butler has, by Ordinance 2020-08, enacted June 16, 2020, authorized the execution of the 2020 Amended and Restated Service Contract attached hereto and made a part hereof; and

WHEREAS, the Borough of Kinnelon has, by Ordinance 10-2020, enacted August 20, 2020, authorized the execution of the 2020 Amended and Restated Service Contract attached hereto and made a part hereof; and

WHEREAS, Riverdale has, by Ordinance 4-2020, enacted July 22, 2020, authorized the execution of the 2020 Amended and Restated Service Contract attached hereto and made a part hereof.

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 16th day of September, 2020, as follows:

1. Conditioned upon the receipt of 1) the Authority's Consulting Engineer Certificate stating the opinion that such modification or amendment will not effect a material reduction in Revenues; 2) Authority Counsel's Opinion stating that such modification or amendment will not materially affect the right of the Authority to make, impose and collect Annual Charges pursuant to the Service Contract; 3) Bond Counsel's opinion that the amendment or modification will not adversely affect the rights of the holders from time to time of the Bonds and coupons; and 4) the filing of the certified copy of the Authority Resolution consenting to Riverdale's petition for membership along with a copy of Ordinance 5-2020, enacted by Riverdale and duly certified, in the Office of the Secretary of State, the Chairman is hereby authorized and directed to execute the 2020 Amended and Restated Service Contract attached hereto and made a part hereof.
2. The Administrator is authorized and directed to implement the terms of the 2020 Amended and Restated Service Contract attached hereto and made a part hereof, and to take all actions necessary and desirable to effectuate its terms and conditions.
3. A copy of the 2020 Restated and Amended Service Contract shall be forwarded to the Trustee pursuant to Section 610 of the General Bond Resolution, dated July 15, 1986.
4. This Resolution shall take effect as provided by law.

**RESOLUTION AUTHORIZING CONTRACT NO. OM-1 RENEWAL
WITH THE BOROUGH OF BUTLER**

WHEREAS, the Pequannock River Basin Regional Sewerage Authority (“the Authority”) issued requests to the Boroughs of Butler and Bloomingdale for the submission of proposals on August 11, 2020 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 on September 11, 2020 for the period of October 1, 2020 through September 30, 2021 and the additional period of October 1, 2021 through September 30, 2022; and

WHEREAS, the Authority has reviewed the said proposal which provides for a bid price of \$53,648.00 (Proposal A) for the first year and \$54,296.00 (Proposal B) for the second year; and

WHEREAS, the Authority Consulting Engineer and Authority Administrator have recommended approval of the submittal of the Borough of Butler in a letter dated September 14, 2020; 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 16th day of September 2020 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 Authority Administrator shall provide a copy of the 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.

That motion was seconded by Vic Chairman Voorman and approved unanimously on the following roll call vote:

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

NAYS : None
 ABSENT : None
 ABSTAIN : None

9. PAYMENT OF BILLS

Operating Budget

9.1 Operating Request for Payment No. 400

Treasurer Lampmann presented and moved approval of Operating Request for Payment No. 400 as follows:

OPERATING EXPENSES

Operating Request for Payment No. 400

The following bills have been reviewed and are recommended for approval for payment at the September 16, 2020 meeting of the Authority from the Operating Account (Wells Fargo Bank Account 1425985):

	<u>PRBRSA</u>	<u>VOUCHER</u>	<u>VOUCHER</u>	<u>PAYMENT</u>	<u>CHECK PAYABLE TO</u>
	<u>ACCT. NO.</u>	<u>NO.</u>	<u>DATE</u>	<u>AMOUNT</u>	
1) ✓	24.05	OP-20-9-1	3/31/2020	\$ 250.00	Borough of Butler
2) ✓	33.01	OP-20-9-2	10/1/2018	\$ 2,705.00	Borough of Butler
3) ✓	24.07	OP-20-9-3	1/9/1900	\$ 151.88	J. Avagnano
4) ✓	22.03	OP-20-9-4	9/10/2020	\$ 12,500.00	Kelly Engineering
5) ✓	22.03	OP-20-9-5	9/10/2020	\$ 436.20	Kelly Engineering
6) ✓	22.03	OP-20-9-6	9/10/2020	\$ 1,549.20	Kelly Engineering
7)	22.01	OP-20-9-7	9/4/2020	\$ 2,496.00	Maraziti Falcon LLP
8)	22.01	OP-20-9-8	9/4/2020	\$ 4,263.40	Maraziti Falcon LLP
9)	23.03	OP-20-9-9	8/27/2020	\$ 108.60	Marsh McLennan
10)	33.02	OP-20-9-10	9/1/2020	\$ 147.47	Staples
11)	24.07	OP-20-9-11	8/23/2020	\$ 100.66	North Jersey Media Group
12)	24.07	OP-20-9-12	8/19/2020	\$ 9.36	North Jersey Media Group
13)	24.07	OP-20-9-13	8/14/2020	\$ 10.32	North Jersey Media Group
14)	33.01	OP-20-9-14	9/11/2020	\$ 3,357.40	ADS LLC
15)	33.03	OP-20-9-15	8/25/2020	\$ 18.23	Borough of Butler Electric
16)	33.03	OP-20-9-16	9/7/2020	\$ 3.10	JCP&L
			TOTAL:	<u>\$ 28,106.82</u>	

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

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

NAYS : None

ABSENT : None

ABSTAIN : None

2. Construction Fund Disbursements

2.1 Construction Disbursement Requisition No. C-17-37

Treasurer Lampmann presented the bills as listed on Construction Fund Disbursement Requisition No. C-17-37 and moved approval as follows:

	<u>AUTHORITY ACCOUNT #</u>	<u>VOUCHER NUMBER</u>	<u>VOUCHER DATE</u>	<u>PAYMENT AMOUNT</u>	<u>PAYEE</u>
1)	120328C2	C-17-37-9-1	9/10/2020	\$ 5,631.20	Kelly Engineering
2)	120328C3	C-17-37-9-2	8/19/2020	\$ 16,986.32	Mott MacDonald
3)	120328C1	C-17-37-9-3	9/4/2020	\$ 1,938.42	Maraziti Falcon LLP
4)	120328C3	C-17-37-9-4	8/31/2020	\$213,306.80	Montana Construction
TOTAL DISBURSEMENTS				<u>\$237,862.74</u>	

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

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

NAYS : None

ABSENT : None

ABSTAIN : None

OPEN MEETING FOR PUBLIC COMMENT

Chairman Verdonik and the Board discussed the meeting platform for October. Given the Covid-19 restrictions and the New Jersey Health Emergency, Chairman Verdonik and the Board agreed that would be in the best interest for public safety to hold the October 21st meeting remotely with a time change from 7:00 pm to 5:00 pm.

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

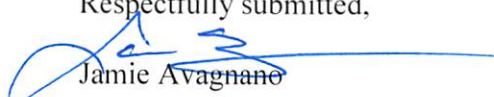
With no members of the public present Chairman Verdonik dispensed with the public participation portion of the meeting.

ADJOURNMENT

At approximately 5:21 pm, Commissioner Lampmann moved to adjourn the regular meeting. That motion was seconded by Commissioner Metcalfe and approved unanimously on voice vote.

At approximately 5:21 pm, the meeting was adjourned.

Respectfully submitted,


Jamie Avagnano
Recording Secretary

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