

REGULAR MEETING OF THE MUSCONETCONG SEWERAGE AUTHORITY

Chairman Rattner called the meeting to order at 7:30 PM. Following salute to colors, announcement was made that adequate notice of this meeting had been provided for as defined by the "Open Public Meetings Act".

MEMBERS PRESENT: Donald Bates, James Benson, David Hoyt, John Keiser, Melanie Michetti, Michael Pucilowski, Steven Rattner, Joseph Schwab

MEMBERS ABSENT: Michael Grogan, Daren Phil, Edward Schwartz, John Sylvester

OTHERS PRESENT: Larry Kron, Esq., Lee Purcell, PE, Fenton Purcell, PE, James Schilling, Marvin Joss, QPA

Chairman Rattner open and closed the meeting to the public.

The meeting minutes of March 28, 2013, as amended, were approved on a motion offered by Mr. Pucilowski, seconded by Mr. Benson and the affirmative roll call vote of members present.

Mr. Schwab briefly discussed the different accounts on the Treasurer's Report and explained that the accounts will be modified for future funding of various projects.

The Expenditures/Treasurer's Report was accepted on a motion offered by Mr. Schwab seconded by Mr. Rattner and the affirmative roll call vote of members present.

The pending vouchers were approved for payment on a motion offered by Mr. Schwab, seconded by Mr. Hoyt and the affirmative roll call vote of members present.

OPERATING ACCOUNT	
ADP	\$905.51
Scott Allen	\$600.00
AmeriGas	\$1,491.21
Atlantic Tomorrows Office	\$35.88
Bally's Atlantic City	\$2,832.00
Nick Barbato	\$86.84
Nick Barbato	\$346.00
Don Bates	\$464.00
Jim Benson	\$346.00
Cintas First Aid	\$111.80
Cintas Corp.	\$467.28
Keith DeFazio	\$346.00
Edible Arrangements	\$98.00
Federal Express	\$31.19
Grainger	\$138.75
Susan Grebe	\$174.86
Hess	\$3,161.38
Dave Hoyt	\$582.00
Iron Hills Construction	\$20,618.00
Instrumentation Technology Systems	\$825.00
JCP&L	\$11,347.32
Kemira Water	\$4,697.05
John Kieser	\$464.00
LTPA	\$15,067.50
Lowe's	\$21.67
NJSHBP	\$16,140.45
NJWEA	\$4,102.00
NJ Utilities Authorities JIF	\$51,901.76
Netcong Hardware	\$133.97
Northeast Computer	\$6,011.79
Northeast Industrial Tech, Inc.	\$4,988.33
Nussbaum Stein	\$2,398.00
One Call	\$22.80
PPL Energy	\$22,576.74
Parkhurst Distributing	\$2,627.55
Parsippany Troy Hills (\$1,400.00
Passaic Valley Sewerage	\$39,693.30

Daren Phil	\$464.00
Polydync	\$2,052.00
Michael Pucilowski	\$464.00
QC Labs	\$909.00
Steve Rattner	\$464.00
James Schilling	\$647.86
Shell Fleet Plus	\$473.84
Joe Schwab	\$464.00
Spectraserve	\$27,662.31
Staples	\$389.48
Univar	\$9,829.06
Verizon	\$671.18
Verizon Communications	\$50.74
Water Environment Federation	\$79.00

Mrs. Michetti asked Mr. Schilling if a letter was sent to the Roxbury Police Chief regarding the security and safety concerns at Pump Station No. 2 in Roxbury Township. Mr. Schilling responded that he would be sending the letter the next day.

The following correspondence for the month of March was received and filed on a motion offered by Mr. Benson, seconded by Mr. Pucilowski and the affirmative vote of members present.

- A. 12/19/12 NJDEP – Residual General Permit Authorization New
- B. 3/28/13 Melanie Michetti, PE, Roxbury Twp – 2013 Unmetered Flow Adjustments for Roxbury & Mount Arlington
- C. 4/3/13 L. Kron, Esq. – Resolution 13-13 for LTPA Interceptor Project Agreement
- D. 4/3/13 L. Kron, Esq. – Resolution 13-10 Revised for LTPA Handrail Agreement
- E. 4/9/13 Najarian Associates – Proposal for MSA Headworks Analysis
- F. 4/18/13 L. Kron, Esq. – Emergency Handrail Repairs Amended Agreement for LTPA
- G. 4/19/13 L. Kron, Esq. – Contract with Najarian Associates for Headworks Analysis
- H. 4/19/13 L. Kron, Esq. – Revised Interceptor Project Agreement with LTPA
- I. 4/23/13 L. Kron, Esq. – Reso. #13-15 Acknowledging Receipt of NJ Pollutant Discharge Elimination System
- J. 4/24/13 L. Kron, Esq. – Agreement with Najarian Associates for MSA Headworks Analysis

A sponsorship contribution to the Musconetcong Watershed Association was discussed. A motion was offered by Mr. Keiser to send a \$250.00 sponsorship contribution to the Musconetcong Watershed Association, seconded by Mr. Bates and the affirmative vote of members present.

The proposal submitted by Najarian Associates for the headworks analysis was discussed. Mr. Schilling reported that he solicited a proposal from Najarian Associates to do the headworks analysis, which is a permit condition from the NJDEP. Mr. Schilling contacted Najarian Associates because they had conducted the same test for the MSA in 2002. Additionally, Najarian has been the MSA's expert on permit conditions over the past years. He has forwarded the proposal to the commissioners for their review. He explained what would be involved for the headworks analysis and the data that the MSA has available from past various analyses. Mr. Pucilowski asked if there was a time limit. Mr. Schilling said a letter for the analysis from Najarian indicating he is representing the MSA had to be submitted by June 1, 2013. Mr. Schwab asked about the timeframe and if a full headworks analysis had to be submitted. Mr. Schilling said that he is hopeful that data that has already been submitted in the past can be utilized and the NJDEP is requiring another local limits evaluation. Mr. Schwab had concerns over some of the fees in Najarian's proposal and the limited timeframe. He suggested that the commissioners need more time so they could explore how other engineering firms may interpret some of the services and fees in Najarian's proposal. Mr. Schilling reiterated that Najarian should already have a lot of the data that will be required for the headworks analysis from the past work he has done for the MSA. Mr. Keiser asked if the MSA would be better served having the work done on a not to exceed basis. Mrs. Michetti explained the fees from Najarian's past proposal. She suggested that the commissioners review the past proposal submitted by Najarian. Mr. Schilling said he did not believe that the MSA would be required to do all of the heavy monitoring included in Najarian's proposal. Mr. Kron mentioned that the resolution is only authorizing Phase 1 for \$17,200.00. The additional phases and lab fees were discussed. Funding for the analysis was discussed.

Res. No. 13-14 Authorizing the Award of a Contract for Professional Services to Najarian Associates as a Non-Fair and Open Contract Pursuant to the Provisions of N.J.S.A. 19:44A-20.4 or 20.5 Without Public Advertising as a Professional Service, was moved by Mr. Pucilowski, seconded by Mrs. Michetti and the affirmative roll call vote of members present.

RESOLUTION NO. 13-14

Resolution of the Musconetcong Sewerage Authority
Authorizing the Award of a Contract for Professional Services to
Najarian Associates as a Non-Fair and Open Contract
Pursuant to the Provisions of N.J.S.A. 19:44A-20.4 or 20.5
Without Public Advertising as a Professional Service

WHEREAS, the specified provision of the Musconetcong Sewerage Authority's (hereinafter "MSA") NJPDES Permit (Part IV, Section F3, Paragraphs (a) and (b)) requires the development of local discharge limits, if appropriate; and

WHEREAS, Najarian Associates have previously provided professional services to MSA regarding the water quality of the MSA, as well as previous Phase II Headworks Analysis; and

WHEREAS, Najarian Associates have indicated a cost for Phase I Headworks Analysis will be Seventeen Thousand Two Hundred (\$17,200.00) Dollars on a lump sum basis; and

WHEREAS, the Secretary/Treasurer of the MSA has certified that funds are available in the Permit Compliance Fees Account of the MSA.

NOW, THEREFORE, BE IT RESOLVED, by the Commissioners of the MSA that the Chairman is hereby authorized to enter into a Contract with Najarian Associates to conduct the initial phase of investigation with regard to the referenced Phase I Headworks Analysis. This phase will involve:

- a. A review of existing NJDEP/USEPA documentation;
- b. Discussions with NJDEP Staff;
- c. A review of available MSA influent/effluent/sludge monitoring data for non-conventional pollutants (to determine the need for a formal headworks analysis); and
- d. Documentation of the analysis for NJDEP.

NOW, THEREFORE, BE IT RESOLVED, by the Commissioners of the Musconetcong Sewerage Authority that the Chairman is hereby authorized to enter into a Contract with Najarian Associates as described herein; and be it

FURTHER RESOLVED, above is engaged without competitive bidding as a professional service under the provisions of the Local Public Contract Law because the qualitative nature of these services will not reasonably permit the drawing of specifications; and be it

FURTHER RESOLVED, that the amount of this Contract shall be Seventeen Thousand Two Hundred (\$17,200.00) Dollars on a lump sum basis; and be it

FURTHER RESOLVED, that the amount shall not exceed Seventeen Thousand Two Hundred (\$17,200.00) Dollars without further authorization of the Musconetcong Sewerage Authority; and be it

FURTHER RESOLVED, that Steven Rattner as Chairman is authorized to execute the Contract in the form attached hereto; and be it

FURTHER RESOLVED, that the MSA publish in the official newspaper of publication a legal advertisement advising of the award as required by N.J.S.A. 40A:11-5.

Mr. Kron said he sent Najarian a contract, which was sent back with some suggested revisions and provisions. He indicated that he had no concerns with the revisions and was going to send Najarian a revised contract with Najarian's proposed revisions. The revisions proposed by Najarian were discussed. The commissioners agreed that QC Labs would be utilized for the testing. The commissioners determined that Mr. Kron would revise the Najarian contract as discussed and send the revised contract to Najarian for acceptance. Mr. Keiser discussed the importance of having ownership of the documents prepared by Najarian Associates. Mrs. Michetti clarified the issue and said that the final report would be the property of the MSA. The calculations and models that Najarian uses to prepare the final report would not be the property of the MSA. A motion was made by Mr. Pucilowski to allow Mr. Kron to modify the contract as discussed, seconded by Mr. Bates and the affirmative vote of members present.

Chairman Rattner discussed the funding for the sewer interceptor repairs project and the Phase 2 for the handrail repairs. He said the rehabilitation of the interceptor could cost upwards of \$200,000.00. He discussed the funding from the five priority projects which included an initial contract for the sewer interceptor repairs and noted that a change order would not be permitted because the cost far exceeds 20% allowed for a change order. The MSA accountant advised that funds could be transferred from the construction account. The commissioners discussed the funding options further. Mr. Purcell indicated that the scope of the initial interceptor repairs project included everything that was done by the contractor, but also anticipated doing more work if it was discovered from a doing a TV inspection. Mr. Schwab asked Mr. Joss if the left over funds from the five priority projects could be used towards loan payments. Mr. Kron suggested sending an amended application to the State. Mr. Joss suggested that the funds could be used for the interceptor repairs presently needed since the projects are closely related. The commissioners also discussed reimbursing the renewal and replacement account. Mr. Schilling pointed out that the funds will also have to cover the engineering fees that have already been approved. Mr. Schwab mentioned that currently there are a couple of projects pending. The handrail repairs are a safety issue. Those repairs need to be done and the MSA has the funding for that project, but there is not enough funding for both projects. Mr. Joss advised that if there is a payment schedule for the past loans then as long as the loan payments are made the extra funds should be able to be used for additional projects. The commissioners discussed the loan payment schedule. Mr. Purcell explained that two contracts were done in 2007 and three contracts were done in 2008. There is a loan closing document that indicates how much trust and fund loans were received and in both there was a 25% principle forgiveness, which would end up being a grant. He further explained how the funds not used and the loans still owed could be calculated. Mr. Schilling suggested that a finance meeting should be held with the MSA

accountant to discuss the funds, options and what needs to be done. Chairman Rattner explained the functions of the different accounts and also the involvement of the accountant and engineer for the various accounts and loans.

Mr. Joss left the meeting at 8:55 PM.

Mr. Schilling asked if the commissioners had reviewed his monthly report and if anyone had any questions.

Mr. Schilling reported that the work on Pump Station No. 6 has not been started. A preconstruction meeting was held with the contractor and Members of the Borough of Stanhope. He estimated the project would start the following week.

Mr. Schilling reported that Pump No. 1 had another seal failure and has been sent to Precision Electric for an evaluation. He is relocating Pump No. 4 into Pump No. 1's slot to begin his own assessment.

Mr. Schilling also reported on the NJDEP Permit for sludge management. He submitted the required Form R-1 document on December 19, 2012. On December 24, 2012 he received the new sludge permit.

Mr. Schwab asked Mr. Schilling about the sludge thickener progress. Mr. Schilling said the thickener that was off-line is working and he is using both thickeners.

The Repairs and Maintenance Report was accepted on a motion offered by Mr. Benson, seconded by Mr. Pucilowski and the affirmative vote of members present.

Lee Purcell, P.E. reported there is still no new progress on the request for appeal process/stay.

Mr. Purcell reported that the work on Pump Station No. 6 should only take a few days. He also noted that the emergency handrail repairs have been completed.

Mr. Purcell reported on the interceptor repairs and Phase 2 handrail repairs projects. LTPA is approximately 50% complete for bidding on both projects. The designs will be finished and LTPA will be ready to go to bid shortly, although neither project can go to bid until the funding is properly applied. Chairman Rattner said the handrail repairs need to be done as soon as possible because of safety issues. He asked Mr. Purcell how many of the handrail repairs are going to have to be bid and how many repairs can be done by MSA staff. Mr. Purcell advised that Mr. Schilling and John Black of LTPA conducted a thorough inspection on April 8th. They took pictures of all the areas that are in need of repair. He said LTPA is going to prepare a design package and send it to Mr. Schilling, which will include the repairs that LTPA recommends should be completed under bid and the repairs that can be accomplished by the MSA staff. He said \$100,000.00 is a low figure for the repairs that need to be completed under bid. He will have a better idea of the projected costs after the design is complete. Mr. Schwab discussed the expected timeframe of the project and what should be included in the bid package as far as the work being completed by the contractor in a timely manner. If more time is required a change order should be submitted and approved. Mr. Purcell said that the bid documents would require that the weather dependent work should be done first. It was decided that LTPA would have the bid documents for the handrail repairs prepared one week before the next MSA meeting so that the Engineering, Operations, Maintenance and Safety Committee could review the documents for approval at the meeting on May 23rd.

The Engineer's Report was accepted on a motion offered by Mr. Hoyt, seconded by Mrs. Michetti and the affirmative vote of members present.

Res. No. 13-13 Awarding a Contract for Professional Services to Lee T. Purcell Associate for Design Period Services, Bid Period Services and Part-Time Resident Engineering and Inspection During Construction for Interceptor Sewer Repairs to the Sewage Facilities of the Musconetcong Sewerage Authority without Public Advertising as a Professional Service, was moved by Mr. Pucilowski, seconded by Mr. Benson and the affirmative roll call vote of members present.

RESOLUTION NO. 13-13

**Resolution of the Musconetcong Sewerage Authority
Awarding a Contract for Professional Services to
Lee T. Purcell Associate for Design Period Services,
Bid Period Services and Part-Time Resident Engineering
and Inspection During Construction for Interceptor Sewer
Repairs to the Sewage Facilities of the Musconetcong Sewerage
Authority without Public Advertising as a Professional Service**

WHEREAS, the Musconetcong Sewerage Authority (hereinafter "MSA") is desirous of awarding a Contract for Professional Services to Lee T. Purcell Associates for engineering services to provide Design Period Services, Bid Period Services and Part-Time Resident Engineering for Inspection during construction for Interceptor Sewer repairs to the sewage facilities of the MSA; and

WHEREAS, N.J.S.A. 40A:11-5 permits the award of a Contract without public advertising for bid and bidding of professional services; and

WHEREAS, the MSA is desirous of employing Lee T. Purcell Associates to render professional services for the Design Period, Bid Period and Part-Time Resident Engineering for Inspection during construction for Interceptor Sewer repairs to the sewage facilities of the MSA; and

WHEREAS, the MSA has previously awarded a non-fair and open contract to Lee T. Purcell Associates to provide engineering services to the MSA; and

WHEREAS, the Secretary/Treasurer of the MSA has certified that funds are available in the budget of the MSA.

NOW, THEREFORE, BE IT RESOLVED, by the Commissioners of the Musconetcong Sewerage Authority that a Contract is awarded to Lee T. Purcell Associates for engineering services to provide Design Period Services, Bid Period Services and Part-Time Resident Engineering for Inspection during construction for Interceptor Sewer repairs to the sewage facilities of the MSA in a fixed fee amount as follows:

<u>Design Period Services</u> – Preparation of Plans for Public Bidding, Preparation of Specifications for Public Bidding, Preparation of Pre-Bid Construction Cost Estimates	\$	25,000.00
<u>Bid Period Services</u> – Engineering Services during Bid Period	\$	2,000.00
<u>Part-Time Resident Engineering and Inspection During Construction</u>	\$	7,000.00
TOTAL SUM:	\$	34,000.00

The amount will not exceed the bid without further authorization of the MSA; and it is

FURTHER RESOLVED, that the Engineer will bill monthly for these services upon completion; and be it

FURTHER RESOLVED, that Steven Rattner, as Chairman of the MSA is hereby authorized to sign the Agreement between Lee T. Purcell Associates and the MSA; and be it

FURTHER RESOLVED, that the MSA publish in the official newspaper of the Authority a legal advertisement advising of the award as required by N.J.S.A. 40A:11-5.

Res. No. 13-15 Acknowledging Receipt of New Jersey Pollutant Discharge Elimination System (NJPDES) Authorization to Discharge No. NJG0200921 (Category S3G-Sludge Quality Category 3 GP) Issued Under the Authority of Residual NJPDES General Permit No. NJ0200182, was moved by Mr. Pucilowski, seconded by Mr. Hoyt and the affirmative roll call vote of members present.

RESOLUTION NO. 13-15

**Resolution of the Musconetcong Sewerage Authority
Acknowledging Receipt of New Jersey Pollutant Discharge
Elimination System (NJPDES) Authorization to Discharge
No. NJG0200921 (Category S3G-Sludge Quality Category 3 GP)
Issued Under the Authority of Residual NJPDES General Permit No. NJ0200182**

WHEREAS, the Musconetcong Sewerage Authority had received New Jersey Pollutant Discharge Elimination System (NJPDES R Authorization to Discharge No. NJG0200921) issued under authority of residual NJPDES General Permit No. NJ0200182 with permit conditions described therein.

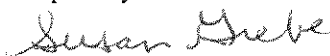
NOW, THEREFORE, BE IT RESOLVED, by the Commissioners of the Musconetcong Sewerage Authority that:

1. A copy of this authorization shall be located at the MSA facilities at all times, and be available for inspection by any authorized representative of the State of New Jersey, Department of Environmental Protection; and
2. James Schilling as Director is directed to enroll in the Department's Electronic Data Interchange (EDI) on-line system to submit Monitoring Report Forms electronically.

Mr. Pucilowski asked if there were sufficient funds in renewal and replacement account to complete the handrail project. The commissioners discussed the budget and the possibility of making transfers into the appropriate accounts. Mr. Schilling asked about the finance meeting he would like to have. It was decided that Mr. Schilling would set up the meeting.

Motion made by Mr. Benson, seconded by Mrs. Michetti and the affirmative roll call vote of members present, Chairman Rattner adjourned the meeting at 9:39 PM.

Respectfully Submitted:


Susan Grebe,
Administrative Assistant