

**REGULAR MEETING OF THE MUSCONETCONG SEWERAGE AUTHORITY**

Chairman Rattner called the meeting to order at 7:40 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:** James Benson, David Hoyt, Michael Grogan, John Keiser, Melanie Michetti, Daren Phil, Michael Pucilowski, Steven Rattner, Joseph Schwab, Edward Schwartz, John Sylvester

**MEMBERS ABSENT:** Donald Bates

**OTHERS PRESENT:** Paul Nussbaum, Esq., Patrick Dwyer, Esq., Lee Purcell, PE, Fenton Purcell, PE, James Schilling, Marvin Joss, QPA

Chairman Rattner opened and closed the meeting to the public.

The meeting minutes of April 25, 2013 were approved on a motion offered by Mr. Pucilowski, seconded by Mr. Hoyt. Roll Call:

Mr. Benson	Yes	Mr. Phil	Abstained
Mr. Hoyt	Yes	Mr. Pucilowski	Yes
Mr. Grogan	Abstained	Mr. Rattner	Yes
Mr. Keiser	Yes	Mr. Schwab	Yes
Mrs. Michetti	Yes	Mr. Schwartz	Abstained
		Mr. Sylvester	Abstained

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

Mr. Schwab noted that the payment voucher in the amount of \$6,500.00 from V.M. Associates under the construction account expenses would need more detail before it can be approved. Commissioner Pucilowski questioned why the payment could not be made to the auditor and was this expense for the annual audit. Chairman Rattner explained that there was no contract or separate agreement between the MSA and V.M. Associates for the construction account and reconciliation of contracts, and that there was a separate voucher submitted for preparing the 2012 Audit that is being approved. Chairman Rattner also noted that it has been an expense under the construction account for the past couple of years. Mr. Schwab said that they would investigate the matter further to see if proper detail could be provided to approve payment of the voucher.

Mr. Schwab also requested that the expense account codes be provided on the payment vouchers before approval in the future for better reference.

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

<b>CONSTRUCTION ACCT</b>	
LTPA	\$4,640.00
<b>RENEWAL &amp; REPLACEMENT</b>	
LTPA	\$21,286.50
<b>OPERATING ACCOUNT</b>	
ADP	\$490.55
AmeriGas	\$1,729.03
Bally's Atlantic City	\$240.00
Certified Labs	\$618.28
Cintas First Aid	\$114.55
Cintas Corp.	\$467.28
City Fire Equipment	\$391.50
Daily Record	\$18.72
E.B. Fence	\$3,172.28
EMR Power Systems	\$5,189.76
Fisher Scientific	\$401.84
Hach Co.	\$330.26
Hayes Pump	\$1,269.00
Hess	\$2,371.22
JCP&L	\$8,989.79
Kemira Water	\$4,841.16

Lowe's	\$1,025.57
MGL Printing Solutions	\$168.00
Musconetcong Watershed Association	\$250.00
NJSHPB	\$16,140.45
NJ American Water	\$545.91
Netcong Hardware	\$4.49
Nussbaum Stein	\$3,524.00
One Call	\$46.74
PMZ Landscaping	\$1,000.00
PPL Energy	\$17,446.98
Pan Metro	\$625.00
Pegasus Electric Motors	\$1,600.00
Polydyne	\$2,052.00
QC Labs	\$3,633.00
Safety-Kleen Systems	\$212.11
James Schilling	\$50.84
Shell Fleet Plus	\$519.59
Spectraserve	\$26,804.70
Staples	\$278.55
Treasurer State of NJ	\$16,944.21
VM Associates	\$6,500.00
Tom Valiante & Son	\$12,500.00
Verizon	\$669.39
Verizon Communications	\$49.99
Waste Management	\$474.85
WEF	\$199.00
ZEP	\$1,823.60

Mrs. Michetti asked Mr. Schilling if he contacted Dynamic Engineering to let them know that the property they were proposing to improve was not in the MSA service area. Mr. Purcell responded that he had contacted Dynamic Engineering and explained the matter to them.

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

- A. 4/29/13 J. Schilling – Roxbury Police Chief - Trespassing & Public Safety Concerns at PS #2
- B. 4/30/13 Dynamic Engineering – Proposed Site Improvements, Rt. 46 & Orben Dr., Roxbury
- C. 4/30/13 L. Kron, Esq. – MSA Permit Appeal Notice of Filing
- D. 5/1/13 L. Kron, Esq. – Agreement with Najarian Associates for Phase I Headworks Analysis
- E. 5/2/13 Vincent Montanino, RMA – 2012 Audit Management Letter
- F. 5/2/13 Vincent Montanino, RMA – 2012 Audit Filing
- G. 5/2/13 L. Kron, Esq. – 2012 Audit Filing
- H. 5/6/13 L. Kron, Esq. – MSA Meeting Coverage
- I. 5/8/13 S. Grebe – Requirement to File Financial Disclosure Forms On-Line
- J. 5/17/13 L. Kron, Esq. – MSA Permit Appeal Prehearing Conference
- K. 5/22/13 Vincent Montanino, RMA – Additional Accounting Services for State and Federal Programs and Priority Projects
- L. 5/22/13 Vincent Montanino, RMA – Additional Accounting Services for State and Federal Programs, MSA Bank and Trustee Accounts and Quarterly Reviews

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

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

Lee Purcell, P.E. reported that LTPA will be attending a seminar at Monmouth University on May 29<sup>th</sup> that will discuss eligibility for projects on the Sandy Relief Funding of \$600,000.00. Mr. Purcell said that the funds will be split with New York State by 60% for New York and 40% for New Jersey. Mr. Purcell explained that an application would have to be submitted for funding and a pre-letter of intent would have to be submitted by Friday, May 31, 2013. Chairman Rattner would also be attending the seminar and a resolution has been prepared to authorize the Chairman to sign the application. Chairman Rattner explained that the new criteria for the funding will include prevention, storage, upgrades, water runoff and wind resistance. He also noted that he believed this funding would help prepare for the next emergency.

Mr. Purcell reported on the appeal process/stay and that a letter has been received from the Office of Administrative Law indicating that a permit appeal prehearing conference is going to be required.

Mr. Purcell reported that the work on Pump Station No. 6 was completed.

Mr. Purcell reported on the interceptor repairs and Phase 2 handrail repairs projects. LTPA met with the Engineering, Operations, Maintenance and Safety Committee and discussed both projects at length. LTPA is ready to go to bid with both projects. Mr. Keiser reported some of the details of the Engineering, Operations, Maintenance and Safety Committee meeting held earlier. He explained that the estimated cost of the handrail project was \$150,300.00 with a 90 day period of construction, so the work should be done by the end of October. The Committee felt that LTPA put together a very thorough bid package for the project. It is the recommendation of the Committee to proceed with the bid pursuant to LTPA's plans and specifications. A motion was made by Mr. Keiser to advertise for bids for Contract #250 Handrail Repairs Phase II, and release the plans and specifications modified as discussed earlier at the Engineering, Operations, Maintenance and Safety Committee meeting, seconded by Mr. Phil and the affirmative vote of members present.

Mr. Keiser reported that the Engineering, Operations, Maintenance and Safety Committee also reviewed the plans and specifications for Contract #245 for the Interceptor Sewer Repairs Project. At the meeting the Committee discussed the procedures and how the respective municipalities would be addressed. There were some comments on the plans and specifications, but the Committee felt that LTPA had prepared the plans and specifications accordingly. There were some concerns with some of the streets, primarily in Roxbury. The Committee recommends that Contract #245 be put out to bid as soon as possible. Mr. Pucilowski explained the work needed was in Roxbury, Stanhope and Netcong. All in total there are 21 areas in need of repair. He said the Committee anticipates that the work can be accomplished within 100 days and they would like to make sure the work is completed before Thanksgiving. Mr. Schilling said that the MSA would send out letters notifying property owners if there is an easement on their property to let them know about the work to be performed. Chairman Rattner asked if traffic control would be required. LTPA would address the issue with the contractors at the preconstruction meeting. Mr. Schwab requested there should be an allowance for traffic control in the specifications. A motion was made by Mr. Pucilowski to advertise for bids for Contract #245 Interceptor Sewer Repairs, seconded by Mr. Schwab and the affirmative vote of members present.

Mr. Purcell also reported on the Asset Management Plan and reiterated the importance to have a plan in place. Mr. Keiser said that he believed the Asset Management Plan could be put together by the Director and the employees of the MSA. He said he the Authority needed to purchase an effective and thorough software program that would define the specific equipment, the maintenance schedules, and costs associated with the Asset Management Program. Chairman Rattner suggested that Mr. Schilling look into getting the software that would be needed to prepare an Asset Management Plan. LTPA had supplied a software program previously.

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

Res. No. 13-16 Approving Annual 2012 Audit and Group Affidavit Form, was moved by Mr. Pucilowski, seconded by Mr. Benson and the affirmative roll call vote of members present.

**RESOLUTION NO. 13-16  
ANNUAL AUDIT  
CERTIFICATION TO LOCAL FINANCE BOARD**

WHEREAS, NJSA 40A:5A-15 requires the governing body of each local authority to cause an annual audit of its accounts to be made, and

WHEREAS, the annual audit report for the fiscal year ended December 31, 2012 has been completed and filed with the Director of the Division of Local Government Services pursuant to NJSA 40A:5A-15, and

WHEREAS, NJSA 40A:5A-17 requires the governing body of each authority to, within 45 days of receipt of the annual audit, certify by resolution the Local Finance Board that each member thereof has personally reviewed the annual audit report, and specifically he 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 NJSA 40A:5A-17,

**NOW, THEREFORE BE IT RESOLVED**, by the governing body of the Musconetcong Sewerage Authority thereby 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 December 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.

A motion was made by Mrs. Michetti to approve the Corrective Action Plan as submitted by the MSA Director, seconded by Mr. Schwab and the affirmative roll call vote of members present.

**Res. No. 13-17 Authorizing Application for Superstorm Sandy National Disaster Emergency Financing Program**, was moved by Mr. Pucilowski, seconded by Mr. Sylvester and the affirmative roll call vote of members present.

**RESOLUTION NO. 13-17**

**Resolution of the Musconetcong Sewerage Authority  
Authorizing Application for Superstorm Sandy National Disaster  
Emergency Financing Program**

**WHEREAS**, the Authority has been informed that it may be eligible to participate in the Superstorm Sandy National Disaster Emergency Financing Program (NDEFP); and

**WHEREAS**, the Authority incurred extraordinary expenses resulting from Superstorm Sandy, and will incur substantial additional expenses in order to acquire equipment which will improve the infrastructural and logistical ability to deal with similar events in the future; and

**WHEREAS**, in order to apply for financing under the NDEFP an application must be filed with the New Jersey Department of Environmental Protection (NJDEP) and with the New Jersey Environmental Infrastructure Trust (NJEIT); and

**WHEREAS**, under the NDEFP Program an applicant is required to appoint an authorized official to act on behalf of the applicant in connection with the Program as well as an authorized representative to submit the application to the aforementioned governmental agencies;

**NOW, THEREFORE, BE IT RESOLVED BY THE MUSCONETCONG SEWERAGE AUTHORITY:**

1. The Authority hereby appoints the Chairman, Steven Rattner, as authorized official and authorized representative to prepare and submit an application under the NDEFP Program.
2. The Authority authorizes and directs its consulting engineer, Lee T. Purcell Associates, to assist in the preparation of such application.

Mr. Schwab noted that a meeting was held by the Finance/Audit Committee on May 8th. He explained what was accomplished at the meeting and discussed the 2012 Audit Synopsis. He also briefed the commissioners on the transfers that would be required from the renewal and replacement, capital improvement, and construction accounts. Mrs. Michetti questioned why the second quarter municipal credits were higher than in past years. Chairman Rattner and Mr. Schwab explained that it was because the MSA budget and debt service was reduced in 2012.

Mr. Joss left the meeting at 8:41 PM.

Motion made by Mr. Schwab, seconded by Mr. Hoyt and the affirmative roll call vote of members present for the commissioners to go into closed session at 8:45 PM:

**WHEREAS**, Section 8 of the Open Public Meetings Act (N.J.S.A. 10:4-12 (b) (1-9) permits the exclusion of the public from meeting in certain circumstances;

**WHEREAS**, the Commissioners of the Musconetcong Sewerage Authority is of the opinion that such circumstances exist.

**NOW, THEREFORE, BE IT RESOLVED** by the Commissioners of the Musconetcong Sewerage Authority as follows:

1. The public shall be excluded from discussion of, action on and hearing the tape of closed session of the Musconetcong Sewerage Authority;
2. The general nature of the subject matter to be discussed is as follows: NJDEP Permit Appeal.

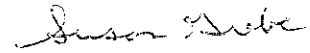
The above subject matter will be made public as soon therefore as it is deemed to be in the public interest.

Motion to reopen the meeting to the public at 9:17 PM was offered by Mr. Schwartz, seconded by Mrs. Michetti and the affirmative vote of members present.

Motion was offered by Mr. Schwartz, seconded by Mr. Keiser to authorize the MSA Attorney to request a postponement of the pretrial hearing for the MSA Permit Appeal. Motion carried by the unanimous roll call vote of members present.

Motion made by Mr. Sylvester, seconded by Mr. Grogan and the affirmative roll call vote of members present, Chairman Rattner adjourned the meeting at 9:20 PM.

Respectfully Submitted:

A handwritten signature in cursive script that reads "Susan Grebe".

Susan Grebe,  
Administrative Assistant