

REGULAR MEETING OF THE MUSCONETCONG SEWERAGE AUTHORITY

Chairman Rattner called the meeting to order at 7:35 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, Michael Grogan, David Hoyt, Melanie Michetti, Daren Phil, Michael Pucilowski, Steven Rattner, Joseph Schwab, John Sylvester

MEMBERS ABSENT: John Keiser, Edward Schwartz

OTHERS PRESENT: Patrick Dwyer, Esq., Lee Purcell, PE, Fenton Purcell, PE, James Schilling
Also Present: Stephen Donati, PE & Sabine Watson, PE of CP Engineers

Chairman Rattner opened and closed the meeting to the public.

The meeting minutes of October 24, 2013 were approved on a motion offered by Mr. Hoyt seconded by Mrs. Michetti. Roll Call:

Mr. Bates	Yes	Mr. Phil	Yes
Mr. Benson	Yes	Mr. Pucilowski	Yes
Mr. Grogan	Yes	Mr. Rattner	Yes
Mr. Hoyt	Yes	Mr. Schwab	Yes
Mrs. Michetti	Yes	Mr. Sylvester	Abstain

Chairman Rattner questioned about transfers that were to be accomplished from some of the bank accounts into the trustee renewal and replacement account. Mr. Schwab said that the Director and Administrator had met with the accountant. The transfers have not been accomplished yet. He said approximately \$360,000.00 will be transferred. Mr. Schwab explained the process and that the transfers should be accomplished by next month's meeting. Chairman Rattner also explained to the commissioners that this is a reconciliation and these funds were previously borrowed against the other accounts.

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

Mr. Schwab explained that the payment voucher in the amount of \$41,333.36 for CFM Construction for Contract #250 is being paid out of the operating account due to lack of funds in the renewal and replacement account. The payment will be reflected and reimbursed when the transfer is completed.

Chairman Rattner questioned the change orders for LTPA's fees for Contracts #245 and #250. Mr. Schwab said he reviewed the charges for Contract #245 and he believed the budget increase for residential engineering and inspecting was justified. Mr. Pucilowski asked Mr. Purcell about the extra time that was not originally estimated for the project and why the extra time was accumulated for inspecting. Mr. Purcell said that he anticipated the inspection time to be 4 hours a day for 12 days and he anticipated the residential engineering time to be 16 hours. During the same 12 day time period the contractor was doing physical repair work and LTPA had to be at the site before, during and after to make sure the repairs were completed properly. The inspections took more than 6-1/2 hours per day instead of the estimated 4 hours per day. He explained that the resident engineering time was anticipated at 16 hours and the engineer had to be at the site more than was originally estimated. The total for resident engineering services was 28 hours. Mr. Pucilowski asked how the miscalculation for hours can be corrected for future projects. Mr. Purcell explained how the project was performed and constructed, and that it was not anticipated to be performed in exactly that way, which in turn led to more inspection hours and resident engineering hours. Mr. Schwab questioned some discrepancies in the inspection hours along with the resident engineering hours at the project site. He discussed with Mr. Purcell how he would like to see the hours broken down for future projects.

Resolution No. 13-32 Amending a Contract to Lee T. Purcell Associates for Part-Time Resident Engineering and Inspection During Construction for Interceptor Sewer Repairs to the Sewage Facilities of the Musconetcong Sewerage Authority Pursuant to Contract No. 245 without Public Advertising as a Professional Service, was moved by Mr. Schwab, seconded by Mr. Benson and the affirmative roll call vote of members present.

RESOLUTION NO. 13-32

**Resolution of the Musconetcong Sewerage Authority
Amending a Contract to Lee T. Purcell Associates
for Part-Time Resident Engineering and Inspection During
Construction for Interceptor Sewer Repairs to the Sewage
Facilities of the Musconetcong Sewerage Authority
Pursuant to Contract No. 245 without
Public Advertising as a Professional Service**

WHEREAS, on March 28, 2013, the Musconetcong Sewerage Authority (hereinafter "MSA") by Resolution No. 13-13 awarded a Contract for Professional Services to Lee T. Purcell Associates (hereinafter "Engineer") 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, Lee T. Purcell Associates has requested an increase of \$5,000.00 as a result of the manner in which the Contractor performed his work necessitating the inspector to be on site more than six (6) hours per day, where it was originally anticipated only being on the project for four (4) hours per day. The Resident Engineer time was anticipated to be 16 hours, when Contract was completed 28.5 hours were expended due to the methods of construction utilized by the Contractor;

WHEREAS, the MSA believes that the proposed amendment is fair and reasonable.

NOW, THEREFORE, BE IT RESOLVED, by the Commissioners of the Musconetcong Sewerage Authority the above referenced Contract previously awarded for Part-Time Resident Engineering and Inspection during Construction be increased from \$7,000.00 by \$5,000.00 for Modification Order No. 1 to Contract No. 245 for a total amount of \$12,000.00 for the Part-Time Resident Engineering and Inspection during Construction; and be it

FURTHER RESOLVED, that the amount for Part-Time Resident Engineering and Inspection during Construction shall not exceed \$12,000.00 without further authorization from 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.

Chairman Rattner asked Mr. Schwab if he had any recommendations or comments for the hours charged for Contract #250 after his review of the fees. Mr. Schwab felt that the extra inspection hours were needed to have the project completed properly and in a timely manner. Mr. Purcell discussed the fact that the contractor was slow finishing the project especially because the contractor's crew working on the project was under staffed. There was also discussion about LTPA's budget overruns in the past. Chairman Rattner suggested that Mr. Purcell add an extra percentage of time to his estimates in the future to cover overruns. Mr. Phil asked if the contractor was responsible to pay for the overruns according to the project specifications. Mr. Purcell said that the change order is for work completed through November 7th, which was supposed to be the completion date and none of the charges are recoupable at this time. Mrs. Michetti questioned if Mr. Purcell will be submitting another change order for LTPA's services from November 7th through November 21st. Mr. Purcell indicated the contractor is still owed \$32,766.00, which will be submitted in December. That amount includes payment for the balance of the work completed plus the retainage held. The cost for LTPA's engineering from November 7th through November 22nd amounts to approximately \$3,000.00 and that amount would be able to be back charged to the contractor according to the contract specifications, Section G-24, Page G-14. A second change order will be submitted for that amount with a recommendation to charge the contractor for those fees.

Resolution No. 13-33 Amending a Contract to Lee T. Purcell Associates for Design Period Services, Bid Period Services and Part-Time Resident Engineering for Inspection During Construction for Handrail Repairs to the Sewage Facilities of the Musconetcong Sewerage Authority Pursuant to Contract No. 250 without Public Advertising as a Professional Service, was moved by Mr. Sylvester, seconded by Mr. Benson and the affirmative roll call vote of members present.

RESOLUTION NO. 13-33

**Resolution of the Musconetcong Sewerage Authority
Amending a Contract to Lee T. Purcell Associates
for Design Period Services, Bid Period Services
and Part-Time Resident Engineering for Inspection
During Construction for Handrail Repairs to the
Sewage Facilities of the Musconetcong Sewerage Authority
Pursuant to Contract No. 250
without Public Advertising as a Professional Service**

WHEREAS, on March 28, 2013, the Musconetcong Sewerage Authority (hereinafter "MSA") by Resolution No. 13-10 awarded a Contract for Professional Services to Lee T. Purcell Associates (hereinafter "Engineer") for engineering services to provide Design Period Services, Bid Period Services and Part-Time Resident Engineering for Inspection during construction for the handrail repairs to the sewage facilities of the MSA; and

WHEREAS, Lee T. Purcell Associates has requested an increase of \$11,485.00 as it was anticipated that the Contractor would utilize a multiple 2-man construction crew to complete the work. However, after several requests to increase the staffing level, the Contractor continued to use only a single

2-man construction crew to complete his work. It was anticipated 80 hours of Resident Engineering and Inspector time, but the actual hours of Resident Engineering and Inspection time through November 7, 2013 amounted to 188 hours;

WHEREAS, the MSA believes that the proposed amendment is fair and reasonable.

NOW, THEREFORE, BE IT RESOLVED, by the Commissioners of the Musconetcong Sewerage Authority that the above referenced Contract previously awarded for Design Period Services, Bid Period Services and Part-Time Resident Engineering and Inspection Services during Construction be increased from \$8,000.00 by \$11,485.00 for Modification Order No. 1 to Contract No. 250 for a total amount of \$19,485.00 for the Part-Time Resident Engineering and Inspection during Construction; and be it

FURTHER RESOLVED, that the amount for Part-Time Resident Engineering and Inspection during Construction shall not exceed \$19,485.00 without further authorization from 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.

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

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

- A. 10/28/13 LTPA – Summary of Inspection Time for Contract No. 250
- B. 10/29/13 LTPA – Request for Budget Increase to Complete Engineering & Inspection Services for Contract No. 250
- C. 10/30/13 VM Associates – 2014 Budget Package
- D. 11/4/13 LTPA - Summary of Engineering & Inspection Services for Contracts No. 245 & 250

Mr. Schilling asked if the commissioners had reviewed his monthly report and if anyone had any questions. Mr. Schilling reported that the trash basket project for Pump Stations #2 and #3 has been completed. Chairman Rattner asked why the flows for the entire month were so low. Mr. Schilling said it had to do with the change over to the wireless system installed in the meter chambers. Mr. Benson asked about the below average rainfall data and if there was any discussion about the DEP taking the annual average against the last four months. Chairman Rattner said the MSA dependency for the flow into the river is related to the outflow of Lake Hopatcong. The flows out of Lake Hopatcong have been above the minimum that would cause any problems to affect the MSA adversely. The MSA has been on a much higher flow rate since the end of September because of the five year drawdown and draining of Lake Hopatcong. Mrs. Michetti asked if the lowering of Lake Musconetcong impacted the MSA's passing flow. She noted that Roxbury's flow is down to 150,000. Mr. Purcell said the repair work on the interceptor would not cause that much of a reduction and he believed that the reduction in flow may be due to some ex-filtration. Chairman Rattner said he would review the flow data.

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

Mr. Purcell reported that the handrail repairs for Contract #250 are now complete and the interceptor repairs for Contract #245 are also complete. The final payment for Contract #245 in the amount of \$3,614.10 is conditioned upon approval of the contractor's maintenance bond by the MSA Attorney. Mr. Dwyer noted that is was acceptable.

Mr. Purcell also noted that LTPA is available to assist the MSA in developing an Asset Management Plan.

Fenton Purcell, PE, reported that LTPA will be partnering with CH2M Hill, a nationally and internationally known consulting engineering organization. LTPA will be working with CH2M Hill's Parsippany office and at times their New York office. CH2M Hill has the expertise to evaluate, design, and optimize phosphorus removal systems to best meet the effluent requirement of any facility. He said that the agreement with CH2M Hill will be consistent with the needs of the MSA. Mr. Purcell also discussed nitrates reduction. He said he would like to introduce CH2M Hill at an MSA meeting some time after the 2014 reorganization meeting takes place. Chairman Rattner asked Mr. Dwyer to review the professional services contract with LTPA to make sure that this partnership is acceptable to the MSA contract requirements.

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

Chairman Rattner discussed the budget amendment and ask if anyone had any questions or comments.

Resolution No. 13-31 Amending the MSA Budget Pursuant to N.J.A.C. 5:31-2.8, was moved by Mr. Benson, seconded by Mr. Schwab and the affirmative roll call vote of members present.

**RESOLUTION NO. 13-31
RESOLUTION TO AMEND BUDGET PURSUANT TO N.J.A.C. 5:31-2.8**

WHEREAS, N.J.A.C. 5:31-2.8 provides that the Director of Local Government Services may approve amendments in the budget of any Authority; and

WHEREAS, it is desired to amend said budget; and

WHEREAS, N.J.A.C. 5:31-2.8 provides that all amendments shall be approved and adopted by Resolution of the Authority, passed by not less than a majority of the full membership.

NOW, THEREFORE, BE IT RESOLVED that the following amendments be made to the adopted budget of the Musconetcong Sewerage Authority for its fiscal year ending December 31, 2013.

BUDGETED APPROPRIATIONS

ADMINISTRATION	CROSS REF.	2013 APPROVED BUDGET	2013 AMENDED BUDGET
SALARY AND WAGES		\$136,000	\$145,700
TOTAL ADMINISTRATION	* E-1	\$253,500	\$263,200
COST OF PROVIDING SERVICES			
SALARIES AND WAGES	*	\$620,000	\$610,300
TOTAL COST OF PROVIDING SERVICES	* E-2	\$2,832,100	\$2,822,400
TOTAL OPERATING APPROPRIATIONS	* B-2	\$5,368,166	\$5,368,166

The Commissioner's discussed the 2014 meeting schedule. Chairman Rattner asked Mr. Dwyer if the reorganization meeting could be held at the end of February along with the regular February meeting or if the meeting needed to be held sometime the first week of February. He also discussed eliminating the regular January meeting and holding the regular February meeting earlier in February along with the reorganization meeting to combine the meetings. There was discussion about the January bills being paid on time. The Commissioners discussed the carryover of appointments. Mr. Dwyer said he would review the concerns.

Mr. Schilling discussed the project proposed at Pump Station #1 and the need to have the underground storage tank console replaced. The cost would be \$8,996.00 under a state contract with Independence Constructors. Motion made by Mr. Pucilowski, seconded by Mrs. Michetti and the affirmative roll call vote of members present to approve the project to replace the underground storage tank console at Pump Station #1.

Motion made by Mr. Bates, seconded by Mr. Pucilowski and the affirmative roll call vote of members present for the commissioners to go into closed session at 8:46 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:

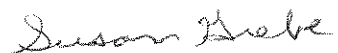
1. The public shall be excluded from discussion of, action on and hearing the tape of closed session of the Musconetcong Sewerage Authority;
2. The general nature of the subject matter to be discussed is as follows: Litigation

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 8:50 PM was offered by Mr. Hoyt, seconded by Mr. Schwab and the affirmative vote of members present.

Motion made by Mr. Hoyt, seconded by Mr. Schwab and the affirmative roll call vote of members present, Chairman Rattner adjourned the meeting at 8:51 PM.

Respectfully Submitted:

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

Susan Grebe,
Administrative Assistant