

REORGANIZATION MEETING OF THE MUSCONETCONG SEWERAGE AUTHORITY

Chairman Rattner called the meeting to order at 7:34 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, Brian McNeilly, Melanie Michetti, Daren Phil, Michael Pucilowski, Steven Rattner, Richard Schindelar, Joseph Schwab, John Sylvester

MEMBERS ABSENT: All Members were present

OTHERS PRESENT: Patrick Dwyer, Esq., Lee Purcell, PE, Fenton Purcell, PE, James Schilling, Thomas Bruno, Marvin Joss, John Campanile

MSA Attorney, Patrick Dwyer, swore in the following Commissioners:

Thomas Bruno (new appointment for Stanhope)
 Michael Grogan (reappointment for Netcong)

MSA Administrative Assistant, Susan Grebe, opened the floor to nominations for Chairman. Motion made by Mr. Schwab, seconded by Mr. Sylvester nominating Steven Rattner as Chairman. Motion to close nominations offered by Mr. Pucilowski, seconded by Mr. McNeilly and the affirmative roll call vote of members present. Steven Rattner as Chairman was carried by the unanimous roll call vote of members present.

Motion offered by Mr. Bates, seconded by Mr. Schwab nominating John Sylvester as Vice Chairman. Motion to close nomination by Mr. Pucilowski, seconded by Mr. Rattner and the affirmative roll call vote of members present. John Sylvester as Vice Chairman was carried by the unanimous roll call vote of members present.

Motion offered by Mr. Rattner, seconded by Mrs. Michetti nominating Joseph Schwab as Secretary-Treasurer. Motion to close nominations by Mr. Sylvester, seconded by Mr. Schindelar and the affirmative roll call vote of members present. Joseph Schwab as Secretary-Treasurer was carried by the unanimous roll call vote of members present.

Motion offered by Mr. Pucilowski, seconded by Mr. Bruno nominating James Benson as Assistant Secretary-Treasurer. Motion to close nominations by Mr. Sylvester seconded by Mr. McNeilly and the affirmative roll call vote of members present. James Benson as Assistant Secretary-Treasurer was carried by the unanimous roll call vote of members present.

Chairman Rattner thanked the commissioners for re-electing him for MSA Chairman and also thanked the Vice Chairman, Secretary-Treasurer and Assistant Secretary-Treasurer for accepting their nominations along with the extra responsibilities required.

Chairman Rattner listed the current committee appointments. He asked Mr. Bruno which committee he would prefer to be appointed to. Mr. Bruno responded he would like to be appointed to the Engineering, Operations, Maintenance and Safety Committee. Chairman Rattner asked if any of the commissioners would like to fill in Mr. Schwartz's position on the Personnel Committee. Mr. Schwab said he would like to fill the position on the Personnel Committee. A motion was made by Mr. Sylvester to approve the committee appointments for 2015 as listed, seconded by Mr. Grogan and the affirmative vote of members present.

Finance/Audit Committee	James Benson, Steven Rattner, Joseph Schwab
Insurance Commissioner	James Benson
Engineering, Operations, Maintenance & Safety Committee	Michael Grogan, Richard Schindelar, Melanie Michetti, Michael Pucilowski, Thomas Bruno
Personnel Committee	Daren Phil, John Sylvester, Brian McNeilly, Joseph Schwab
Purchasing Agent Commissioner	Donald Bates

Chairman Rattner asked if any of the commissioners would like discuss any of the resolutions on the Consent Resolution Agenda and vote on any resolution individually. Chairman Rattner noted that the resolutions for legal counsel did not indicate a dollar amount "not to exceed". He asked the commissioners if they reviewed the revised resolution for VM Associates. Chairman Rattner reviewed the dollar amount for the environmental consultant's resolution and noted that the dollar amount was not appropriate for 2015. Mr. Pucilowski suggested keeping the dollar amount under the \$17,500.00 bid threshold. Mr. Schwab recommended amending the resolution for the environmental consultant to indicate a dollar amount not to exceed \$15,000.00 without authorization from the MSA Commissioners. Legal expenses for 2015 were discussed. Mr. Schwab recommended amending the resolution for general legal expenses not to exceed \$17,500.00 and the resolution for labor counsel not to exceed \$7,500.00. The commissioners all agreed.

Resolution No. 15-05 Authorizing the Award of Contract for 2015 for Professional Engineering Services to Lee T. Purcell Associates, was moved by Mr. Phil, seconded by Mr. McNeilly and the affirmative roll call vote of members present.

RESOLUTION NO. 15-05

**Resolution of the Musconetcong Sewerage Authority
Authorizing the Award of a Contract for Professional
Services to Lee T. Purcell Associates for Engineering
Services Pursuant to the Provisions of N.J.S.A. 40A:11-5
and without Public Advertising as a Professional Service**

WHEREAS, the Musconetcong Sewerage Authority has a need to acquire professional engineering services for the period from February 26, 2015 through February 1, 2016 as a non-fair and open contract pursuant to the provisions of N.J.S.A. 40A:11-5; and

WHEREAS, the Secretary/Treasurer has determined and certified in writing that the value of the acquisition will exceed Seventeen Thousand Five Hundred (\$17,500.00) Dollars; and

WHEREAS, the anticipated term of this contract is one (1) year; and

WHEREAS, Lee T. Purcell Associates has submitted a proposal indicating that they will provide engineering services at the rate of:

- A. Three Thousand (\$3,000.00) Dollars for:
 - 1. Maintenance and Updating of MSA files from 1965 to present;
 - 2. Receive, Review and Respond to General Correspondence, Phone Calls, and E-mails;
 - 3. Review monthly DMRs and SQAR Reports;
 - 4. Prepare for, attend and participate at all MSA Regular Meetings;
 - 5. Keep the Authority apprised:
 - o State and Federal Regulatory Changes
 - o Issues Affecting the Authority
 - o Potential Funding Sources available to the Authority, its Members and their respective communities.; and
- B. Engineering Services billed at the rate on the attached Fee Schedule.

WHEREAS, Lee T. Purcell Associates has completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political committee or candidate in the Borough of Hopatcong, Borough of Mount Arlington, Township of Byram, Township of Mount Olive, Borough of Netcong, Township of Roxbury or Borough of Stanhope in the previous one (1) year, and that the contract will prohibit them from making any reportable contributions through the term of the contract; and

WHEREAS, funds are available in the annual budget of the Musconetcong Sewerage Authority.

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 Lee T. Purcell Associates as described herein; and be it

FURTHER RESOLVED, that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this Resolution; and be it

FURTHER RESOLVED, that the Contract shall not exceed Twenty Thousand (\$20,000) Dollars without further authorization from the Commissioners of the Musconetcong Sewerage Authority; and be it

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

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

Resolution No. 15-06 Authorizing the Award of Contract for 2015 for Professional Services as Legal Counsel to Patrick J. Dwyer, Esq., was moved by Mr. McNeilly, seconded by Mr. Phil. A motion was made by Mr. Schwab to amend Resolution No. 15-06 not to exceed \$17,500.00 for the year 2015 without prior authorization by the MSA, seconded by Mr. Grogan and the affirmative roll call vote of members present.

RESOLUTION NO. 15-06

**Resolution of the Musconetcong Sewerage Authority
Authorizing the Award of a Contract for Professional
Services to Patrick J. Dwyer, Esq., of Nusbaum, Stein, Goldstein,
Bronstein & Kron, as Legal Counsel Pursuant to the Provisions of
N.J.S.A. 40A:11-5 and Without Public
Advertising as a Professional Service**

WHEREAS, the Musconetcong Sewerage Authority has a need to acquire legal services for the period from February 26, 2015 through February 1, 2016 pursuant to the provisions of N.J.S.A. 40A:11-5; and

WHEREAS, the Secretary/Treasurer has determined and certified in writing that the value of the acquisition may exceed Seventeen Thousand Five Hundred (\$17,500.00) Dollars; and

WHEREAS, the anticipated term of this contract is one (1) year; and

WHEREAS, Patrick J. Dwyer, Esq., of Nusbaum, Stein, Goldstein, Bronstein & Kron has submitted a proposal indicating that they will provide legal services at the rate of:

A. Six Thousand (\$6,000.00.00) Dollars for attendance at twelve (12) regular meetings of the Authority; and

B. \$220.00 per hour for all other legal services; and

WHEREAS, Patrick J. Dwyer, Esq., of Nusbaum, Stein, Goldstein, Bronstein & Kron has completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political committee or candidate in the Borough of Hopatcong, Borough of Mount Arlington, Township of Byram, Township of Mount Olive, Borough of Netcong, Township of Roxbury or Borough of Stanhope in the previous one (1) year, and that the contract will prohibit them from making any reportable contributions through the term of the contract; and

WHEREAS, the Secretary/Treasurer of the Musconetcong Sewerage Authority has certified that funds are available in the annual budget of the Musconetcong Sewerage Authority.

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 Patrick J. Dwyer, Esq., of Nusbaum, Stein, Goldstein, Bronstein & Kron as described herein; and be it

FURTHER RESOLVED, that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this Resolution; and be it

FURTHER RESOLVED, that the amount payable under this contract shall not exceed the sum of Seventeen Thousand Five Hundred (\$17,500) Dollars unless the Musconetcong Sewerage Authority shall so authorize; and be it

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

Resolution No. 15-07 Authorizing the Award of Contract for 2015 for Professional Auditing Services to Vincent Montanino of VM Associates, was moved by Mrs. Michetti, seconded by Mr. McNeilly and the affirmative roll call vote of members present.

RESOLUTION NO. 15-07

**Resolution of the Musconetcong Sewerage Authority
Authorizing the Award of a Contract for Professional
Services to Vincent M. Montanino of VM Associates, Inc.
for Auditing Services Pursuant To N.J.S.A. 40A:11-5 and
without Public Advertising as a Professional Service**

WHEREAS, the Musconetcong Sewerage Authority has a need to acquire auditing services as a non-fair and open contract for the period from February 26, 2015 through February 1, 2016 pursuant to the provisions of N.J.S.A. 40A:11-5; and

WHEREAS, the anticipated term of this contract is one (1) year; and

WHEREAS, Vincent M. Montanino of VM Associates, Inc., has submitted a proposal indicating that they will provide auditing services at the rate of Seven Thousand (\$7,000.00) Dollars; and

WHEREAS, Vincent M. Montanino has submitted a proposal indicating that he will provide additional accounting services on an as-needed basis not to exceed Seven Thousand (\$7,000.00) Dollars. These additional accounting services will be billed at the rate on the attached Fee Schedule.

WHEREAS, Vincent M. Montanino of VM Associates, Inc., has completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political committee or candidate in the Borough of Hopatcong, Borough of Mount Arlington, Township of Byram, Township of Mount Olive, Borough of Netcong, Township of Roxbury or Borough of Stanhope in the previous one (1) year, and that the contract will prohibit them from making any reportable contributions through the term of the contract; and

WHEREAS, funds are available in the annual budget of the Musconetcong Sewerage Authority. 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 Vincent M. Montanino of VM Associates, Inc., as described herein; and be it

FURTHER RESOLVED, that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this Resolution; and be it

FURTHER RESOLVED, that the Contract shall not exceed Seven Thousand (\$7,000.00) Dollars for annual auditing services without further authorization from the Commissioners of the Musconetcong Sewerage Authority; and be it

FURTHER RESOLVED, that the Contract shall not exceed Seven Thousand (\$7,000.00) Dollars for additional accounting services in accordance with the Fee Schedule attached hereto; and

FURTHER RESOLVED, that this Resolution is subject to VM Associates, Inc., providing satisfactory proof of malpractice insurance; and be it

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

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

Resolution No. 15-08 Authorizing the Award of Contract for Professional Services to Hawkins, Delafield and Wood as Bond Counsel for 2015, was moved by Mr. Benson, seconded by Mr. Bruno and the affirmative roll call vote of members present.

RESOLUTION NO. 15-08

**Resolution of the Musconetcong Sewerage Authority
Authorizing the Award of a Contract for Professional
Services to Hawkins, Delafield & Wood,
as Bond Counsel Pursuant to the Provisions of
N.J.S.A. 40A:11-5, and without
Public Advertising as a Professional Service**

WHEREAS, the Musconetcong Sewerage Authority has a need to acquire general bond counsel advisory services for the period from February 26, 2015 through February 1, 2016 as a non-fair and open contract pursuant to the provisions of N.J.S.A. 40A:11-5; and

WHEREAS, the anticipated term of this contract is one (1) year; and

WHEREAS, Hawkins, Delafield and Wood have submitted a Schedule of Charges for General Bond Advisory Services which is attached hereto; and

WHEREAS, Hawkins, Delafield and Wood have completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political committee or candidate in the Borough of Hopatcong, Borough of Mount Arlington, Township of Byram, Township of Mount Olive, Borough of Netcong, Township of Roxbury or Borough of Stanhope in the previous one (1) year, and that the contract will prohibit them from making any reportable contributions through the term of the contract; and

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 Hawkins, Delafield and Wood as described herein; and be it

FURTHER RESOLVED, that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this Resolution; and be it

FURTHER RESOLVED, that this Resolution is subject to Hawkins, Delafield and Wood providing satisfactory proof of malpractice insurance; and be it

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

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

Resolution No. 15-09 Authorizing the Award of Contract for Professional Environmental Consulting Services to Najarian Associates for 2015, was moved by Mr. Sylvester, seconded by Mr. Pucilowski. A motion was made by Mr. Schwab to amend Resolution No. 15-09 not to exceed \$15,000.00 for the year 2015 without prior authorization by the MSA, seconded by Mr. Pucilowski and the affirmative roll call vote of members present.

RESOLUTION NO. 15-09

**Resolution of the Musconetcong Sewerage Authority
Authorizing the Award of a Contract for Professional Services to
Najarian Associates Pursuant to the Provisions of
N.J.S.A. 40A:11-5 Without Public Advertising as a Professional Service**

WHEREAS, the Musconetcong Sewerage Authority (hereinafter "MSA") requires Environmental Consulting Services; and

WHEREAS, Najarian Associates have previously provided services to MSA on related and similar issues; and

WHEREAS, Najarian Associates have previously provided professional services to MSA regarding effluent limitations for its facility and water quality of the Musconetcong River.

NOW, THEREFORE, BE IT RESOLVED, by the Commissioners of the Musconetcong Sewerage Authority that a Contract is hereby awarded to Najarian Associates as Special Environmental Consultant for the MSA to perform the following services:

1. Assist as needed with permit approvals from NJDEP, effluent limitations, water quality of the Musconetcong River, and related matters; and

WHEREAS, the costs of the services to be performed by Najarian Associates will be based on a time and material basis in accordance with the attached Schedule in an amount not to exceed Fifteen Thousand (\$15,000) Dollars; and

WHEREAS, the Secretary/Treasurer of the MSA has certified that funds are available in the annual budget 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 as described herein; and be it

FURTHER RESOLVED, that the 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 not exceed Fifteen Thousand (\$15,000.00) Dollars without further authorization from the Musconetcong Sewerage Authority; 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.

Resolution No. 15-10 Authorizing the Award of Contract for Professional Risk Management Consulting Services to Stanford Risk Management for 2015, was moved by Mr. Benson, seconded by Mr. Bruno and the affirmative roll call vote of members present.

RESOLUTION NO. 15-10

**Resolution of the Musconetcong Sewerage Authority
Authorizing the Award of a Contract for Professional
Services for Risk Management Consulting Services
to Stanford Risk Management Services, Inc., Pursuant
N.J.S.A. 40A:11-5 and without Public Advertising
as a Professional Service**

WHEREAS, the Musconetcong Sewerage Authority has a need to acquire Risk Management Services pursuant to N.J.S.A. 40A:11-5 for the period from February 26, 2016 through February 1, 2016 pursuant to the provisions of N.J.S.A. 40A:11-5; and

WHEREAS, the anticipated term of this contract is one (1) year; and

WHEREAS, Stanford Risk Management Services, Inc., has submitted a proposal indicating that they will provide risk management services at the rate of six (6%) percent of the Authority's annual assessment as promulgated by the New Jersey Utility Municipal Joint Insurance Fund; and

WHEREAS, Stanford Risk Management Services, Inc., has completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political committee or candidate in the Borough of Hopatcong, Borough of Mount Arlington, Township of Byram, Township of Mount Olive, Borough of Netcong, Township of Roxbury or Borough of Stanhope in the previous one (1) year, and that the contract will prohibit him from making any reportable contributions through the term of the contract; and

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

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 Sanford Risk Management Services, Inc., as described herein; and be it

FURTHER RESOLVED, that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this Resolution; and be it

FURTHER RESOLVED, that the Contract shall not exceed six (6%) percent of the Authority's annual assessment as promulgated by the New Jersey Utility Municipal Joint Insurance Fund unless further authorized by the MSA; and be it

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

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

Resolution No. 15-11 Authorizing the Award of Contract to John Napolitano and Matthew Giacobbe of Cleary Giacobbe Alfieri and Jacobs for Special Labor Counsel for 2015, was moved by Mr. Phil, seconded by Mr. McNeilly. A motion was made by Mr. Schwab to amend Resolution No. 15-11 not to exceed \$7,500.00 for the year 2015 without prior authorization by the MSA, seconded by Mrs. Michetti and the affirmative roll call vote of members present.

RESOLUTION NO. 15-11
Resolution of the Musconetcong Sewerage Authority
Authorizing the Award of a Contract for Professional
Services to John A. Napolitano, Esq., and Matthew Giacobbe, Esq.,
of Cleary Giacobbe Alfieri & Jacobs, LLC, as Special Labor
Counsel Without Public Advertising as a Professional Service

WHEREAS, the Musconetcong Sewerage Authority ("MSA") has a need to retain professional services, in particular, special labor counsel for the period from February 26, 2015 through February 1, 2016; and

WHEREAS, the anticipated term of this contract is one (1) year; and

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

WHEREAS, the MSA is desirous of engaging John A. Napolitano, Esq., and Matthew Giacobbe, Esq., of the law firm of Cleary Giacobbe Alfieri & Jacobs, LLC, (hereinafter the "Firm") as Special Labor Counsel based upon its reputation and upon the Firm's representations that it has special expertise in the area of public sector labor law; and

WHEREAS, John A. Napolitano, Esq., and Matthew Giacobbe, Esq., of the law firm of Cleary Giacobbe Alfieri & Jacobs, LLC, have submitted a proposal indicating that they will provide legal services at the rate of:

A. \$175.00 hourly – Attorney Services

B. \$ 60.00 hourly – Paralegal Services

WHEREAS, the MSA is desirous of engaging John A. Napolitano, Esq., and Matthew Giacobbe, Esq., of the law firm of Cleary Giacobbe Alfieri & Jacobs, LLC, as Special Labor Counsel; and

WHEREAS, John A. Napolitano, Esq., and Matthew Giacobbe, Esq., of the law firm of Cleary Giacobbe Alfieri & Jacobs, LLC, have completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political committee or candidate in the Borough of Hopatcong, Borough of Mount Arlington, Township of Byram, Township of Mount Olive, Borough of Netcong, Township of Roxbury or Borough of Stanhope in the previous one (1) year, and that the contract will prohibit them from making any reportable contributions through the term of the contract; and

WHEREAS, the Secretary/Treasurer of the Musconetcong Sewerage Authority has certified that funds are available in the annual budget of the Musconetcong Sewerage Authority.

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 John A. Napolitano, Esq., and Matthew Giacobbe, Esq., of the law firm of Cleary Giacobbe Alfieri & Jacobs, LLC as described herein; and be it

FURTHER RESOLVED, that the amount payable under this contract shall not exceed the sum of Seven Thousand Five Hundred (\$7,500) Dollars unless the Musconetcong Sewerage Authority shall so authorize; and be it

FURTHER RESOLVED, that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this Resolution; and be it

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

The following one-year appointments were made on a motion offered by Mr. Sylvester, seconded by Mr. Benson and carried by the unanimous roll call vote of members present.

Bank Depositories – TD Bank
Official Newspaper – Daily Record
Other Newspaper – New Jersey Herald
Newspaper for Bids – Star Ledger
Plant Physician – Advocare Medical Center at Budd Lake, Route 46

Motion made by Mr. Benson, seconded by Mr. Schindelar and the affirmative roll call vote of members present, Chairman Rattner adjourned the meeting at 7:59 PM.

Respectfully Submitted:



Susan Grebe,
Administrative Assistant