

**MINUTES OF THE ANNUAL REORGANIZATION MEETING AND  
REGULAR SESSION OF THE  
JERSEY CITY MUNICIPAL UTILITIES AUTHORITY  
HELD FEBRUARY 24, 2011**

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**PRESENT:** Chairwoman, Eileen Gaughan  
Commissioner, William Chopek  
Commissioner, William Macchi  
Commissioner, Lewis Matthias  
First Alternate Commissioner, Nicholas Economou  
Second Alternate Commissioner, Joseph Cardwell

**ABSENT:** Commissioner, Donald Brown

**ALSO PRESENT:** Daniel Becht, Esquire, Executive Director  
Matthew Donohue, CPA, Donohue, Gironda and Doria  
Judy Rybka, Recording Secretary  
Seamus Cunningham, P.E., Mayo, Lynch and Associates  
Drake C. Stinson, PE, LEED, AP, Mayo Lynch and Associates  
John Folk, CPA, Director of Finance  
Elnardo Webster, II, Esquire, Trent, DePasquale et al  
Joni N. Noble, Esquire, Trent, DePasquale et al  
Richard Haytas, Senior Engineer/Infrastructure Maintenance  
Supervisor  
Barbara Gordon, Director of Administration  
Gerry Remsen, P.E., Senior Engineer  
Edward DeHope, Esquire, Riker, Danzig et al

In compliance with the Sunshine Laws, Chairwoman Gaughan ordered and directed that a Public Notice of a Public Meeting of the Jersey City Municipal Utilities Authority be posted in the main lobby of the Jersey City Municipal Utilities Authority Administration Building and that a copy of the notice be sent to The Jersey Journal, The Star Ledger and the City Clerk.

Chairwoman Gaughan convened the meeting at 5:07 p.m. and opened with the Pledge of Allegiance.

At that time, Mr. Becht advised the first order of business this evening will be the annual reorganization of the JCMUA Board of Commissioners. He explained that he will assume leadership of the Board until a new Chair is elected. Chairwoman Gaughan relinquished the Chair to Mr. Becht. He then requested nominations for the position of Chair for the 2011 term.

Commissioner Macchi nominated Commissioner Gaughan to another term as Chair. The nomination was seconded by Commissioner Matthias. There were no further nominations and the motion carried. Chairwoman Gaughan was re-elected Chair of the Board of Commissioners of the JCMUA for the 2011 term as motioned/seconded above and unanimously approved by all remaining Commissioners present.

Mr. Becht, along with everyone present, congratulated Chairwoman Gaughan on her re-election to another term. He then turned the meeting back over to the newly elected Chair.

Chairwoman Gaughan thanked everyone for their confidence and support. "I love doing this and we do it hand in hand as a group. We're all one team."

Chairwoman Gaughan nominated Commissioner Brown to the position of Vice Chair. The nomination was seconded by Commissioner Chopek. There were no further nominations and the motion carried. Commissioner Brown was re-elected Vice Chair of the Board of Commissioners of the JCMUA for the 2011 term as motioned/seconded above and unanimously approved by all remaining Commissioners present.

Commissioner Matthias nominated Commissioner Macchi to the position of Secretary. The nomination was seconded by Chairwoman Gaughan. There were no further nominations and the motion carried. Commissioner Macchi was elected Secretary of the Board of Commissioners of the JCMUA for the 2011 term as motioned/seconded above and unanimously approved by all remaining Commissioners present.

Chairwoman Gaughan nominated Commissioner Matthias to the position of Treasurer. The nomination was seconded by Commissioner Chopek. There were no further nominations and the motioned carried. Commissioner Matthias was elected Treasurer of the Board of Commissioners of the JCMUA for the 2011 term as motioned/seconded above and unanimously approved by all remaining Commissioners present.

The regular session began at 5:12 p.m., immediately following the annual reorganization of the JCMUA Board of Commissioners.

**Resolution 2/11/1** authorizing transfer of funds from sewer operations

Motioned to approve by Commissioner Matthias

Seconded by Commissioner Economou

Unanimously approved by all remaining Commissioners present.

**Resolution 2/11/2** authorizing payments of audited claims for sewer operations

Motioned to approve by Commissioner Matthias

Seconded by Commissioner Economou

Unanimously approved by all remaining Commissioners present.

**Resolution 2/11/3** authorizing transfer of funds and payments of audited claims for water operations

Motioned to approve by Commissioner Matthias

Seconded by Commissioner Economou

Unanimously approved by all remaining Commissioners present.

**Resolution 2/11/4** authorizing cash disbursements

Motioned to approve by Commissioner Matthias

Seconded by Commissioner Economou

Unanimously approved by all remaining Commissioners present.

**Resolution 2/11/5** authorizing payments from the capital improvement, project, construction and note funds

Motioned to approve by Commissioner Matthias

Seconded by Commissioner Economou

Unanimously approved by all remaining Commissioners present.

**Resolution 2/11/6** granting partial abatements

Commissioner Macchi asked the total amount of abatements.

Mr. Webster explained, "We can give a number going back but not forward."

Motioned to approve by Chairwoman Gaughan

Seconded by Commissioner Matthias

Unanimously approved by all remaining Commissioners present.

**Resolution 2/11/7** concerning review of findings and recommendations of the Local Finance Board made at a meeting of said Board on February 9, 2011 in accordance with N.J.S.A.40A:5A-6

Motioned to approve by Commissioner Economou

Seconded by Commissioner Macchi

Unanimously approved by all remaining Commissioners present.

**Resolution 2/11/8** supplemental resolution authorizing the issuance of not to exceed \$3,500,000 project notes (Series 2011) of the Jersey City Municipal Utilities Authority

Mr. Becht advised the Authority will most likely not need all of the \$3.5 million. Bids received for replacement of the water transmission line off 18<sup>th</sup>. Street are approximately \$1.5 to \$1.7 million, and there should be a reduced amount borrowed.

Motioned to approve by Chairwoman Gaughan  
Seconded by Commissioner Economou  
Unanimously approved by all remaining Commissioners present.

**Resolution 2/11/9** authorizing the Director of Finance to act as the authorized representative in regard to the New Jersey Environmental Infrastructure Trust loan application on JCMUA contract number CT-2008-35 to construct 30 inch water transmission main, loan number 0906001-006

Motioned to approve by Commissioner Matthias  
Seconded by Commissioner Economou  
Unanimously approved by all remaining Commissioners present.

**Resolution 2/11/10** authorizing Senior Engineer to sign New Jersey Department of Transportation utility road opening permit at 651 Tonnelle Avenue

Motioned to approve by Chairwoman Gaughan  
Seconded by Commissioner Matthias  
Unanimously approved by all remaining Commissioners present.

**Resolution 2/11/11** authorizing professional engineering services contract with Mayo, Lynch and Associates, Inc. for the preparation of study and preliminary design for the reorientation and remodeling of Jersey City Municipal Utilities Authority West Side Facility as part of Bay Front Redevelopment Plan

Mr. Becht explained the MUA applied to the City to get escrow funds from Honeywell. "We have nothing in stone yet; we are still in discussions."

Chairwoman Gaughan asked about building construction.

Mr. Becht explained the "back building" will be rehabbed and new out buildings will be constructed. Approval for design work is needed. There will be an upcoming presentation by Mayo, Lynch and Associates, Inc. for the new concept for the JCMUA which is three to seven years away.

Chairwoman Gaughan stated, "We should push for Honeywell to pay. We don't want any money out of our pockets." Mr. Becht agreed.

Motioned to approve by Chairwoman Gaughan  
Seconded by Commissioner Economou  
Unanimously approved by all remaining Commissioners present.

**Resolution 2/11/12** authorizing preparation of specifications and advertising for bids for various goods and/or services

Motioned to approve by Commissioner Matthias

Seconded by Commissioner Economou

Unanimously approved by all remaining Commissioners present.

**Resolution 2/11/13** amending the contract for professional engineering services to O'Brien & Gere Engineering, Inc. for geohydrologic investigation and study of Boonton Dam and Parsippany Dike

Motioned to approve by Commissioner Economou

Seconded by Commissioner Matthias

**Resolution 2/11/14** awarding contract for professional engineering services to Malcolm Pirnie, Inc. to develop and prepare a combined sewer capacity and condition assessment study, Phase IV

Motioned to approve by Chairwoman Gaughan

Seconded by Commissioner Economou

Unanimously approved by all remaining Commissioners present.

**Resolution 2/11/15** authorizing contracts with certain approved State contract vendors for contracting units

Motioned to approve by Commissioner Matthias

Seconded by Commissioner Economou

Unanimously approved by all remaining Commissioners present.

**Resolution 2/11/16** authorizing license to cross No. T783 between the JCMUA and the New Jersey Turnpike Authority

Motioned to approve by Commissioner Economou

Seconded by Commissioner Matthias

Unanimously approved by all remaining Commissioners present.

**Resolution 2/11/17** authorizing amendment to contract with Mayo, Lynch and Associates, Inc. for design and construction administration services for pump station number 5 and Paterson Plank Road related sewer improvements, JCMUA contract number PS-2005-21, New Jersey Environmental Infrastructure Trust Project number S92928-05

Chairwoman Gaughan asked when the original Resolution was passed.

Mr. Becht reported the original resolution was passed in 1999. Resolution 2/11/17 involves an additional not to exceed \$19,500. The amended total cost of the contract is now \$118,300.

Mr. Cunningham continued to explain that the scope of work for the final phase was expanded.

Motioned to approve by Chairwoman Gaughan  
Seconded by Commissioner Matthias  
Unanimously approved by all remaining Commissioners present.

**Resolution 2/11/18** authorizing engineering services contract with Malcolm Pirnie, Inc. for the preparation of sewer separation study in the Country Village section of Jersey City to relieve flooding in the area

Motioned to approve by Commissioner Matthias  
Seconded by Chairwoman Gaughan  
Unanimously approved by all remaining Commissioners present.

**Resolution 2/11/19** authorizing contract amendment for Workers' Compensation/Special Counsel agreement of 2010

Mr. Becht explained workers compensation/special counsel contract exceeded the contract ceiling by \$1,500. "This resolution will allow us to meet the open balance on the invoice."

Motioned to approve by Chairwoman Gaughan  
Seconded by Commissioner Economou  
Unanimously approved by all remaining Commissioners present.

**Resolution 2/11/20** declaring a water emergency at 19 Bartholdi Avenue

Mr. Haytas explained that residents on Bartholdi Avenue called the Authority regarding sewer back up in the area. The MUA performed an inspection and found clean water coming from a manhole. Tests were performed and United Water was notified. United Water went to the location and also performed tests on all water lines and found it was not a water leak. After a week or so, additional calls came in from area Residents. It was determined that an outside contractor should be called in to trace the water which was then found to be coming from an abandoned water service line.

Mr. Webster asked, "Can we back bill?"

Mr. Remsen replied, "Yes. The bill has already been sent out."

Chairwoman Gaughan asked if much damage was done to homes in the area.

Mr. Haytas explained crews were sent to clean and mop. "There was no real damage. It was fresh water."

Motioned to approve by Chairwoman Gaughan  
Seconded by Commissioner Matthias  
Unanimously approved by all remaining Commissioners present.

**Resolution 2/11/21** declaring a sewer emergency condition on Linden Avenue between Old Bergen Road and Ocean Avenue

Motioned to approve by Commissioner Matthias

Seconded by Commissioner Economou

Unanimously approved by all remaining Commissioners present.

**Resolution 2/11/22** authorizing execution of an amendment to the tolling agreement with the United States Environmental Protection Agency

Mr. Webster explained the US is asking for additional time and advised that nothing has been signed. "We are negotiating our consent decree."

Chairwoman Gaughan asked if the consent decree determines the length of time allowed to complete the project.

Mr. Webster replied, "We anticipate the consent agreement will have some times lines."

Motioned to approve by Chairwoman Gaughan

Seconded by Commissioner Economou

Unanimously approved by all remaining Commissioners present.

**Entered Closed Session at 5:27 p.m.**

Motioned by Chairwoman Gaughan

Seconded by Commissioner Matthias

Unanimously approved by all remaining Commissioners present.

**Closed Session Ended/Regular Session Reopened at 5:50 p.m.**

Motioned to approve by Chairwoman Gaughan

Seconded by Commissioner Matthias

Unanimously approved by all remaining Commissioners present.

**Closed Session Report**

Per Mr. Webster, litigation and personnel were discussed during closed session.

**Approval of Minutes**

Approval of minutes of the January 27, 2011 Commissioners meeting

Motioned to approve by Chairwoman Gaughan

Seconded by Commissioner Matthias

Abstention by Commissioners Cardwell and Chopek

Unanimously approved by all remaining Commissioners present.

Prior to adjournment, Chairwoman Gaughan thanked everyone for "handling the snow with absolute brilliance. It was so amazing." She recommended a mailing to residents, suggesting they clear cross walks, corners and keep catch basins open if possible. Many

calls were received from residents complimenting the Authority on its “quick response” during the numerous snow storms.

**Adjournment**

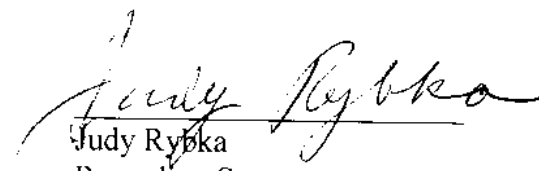
The meeting adjourned at 5:54 p.m.

Motioned by Chairwoman Gaughan

Seconded by Commissioner Matthias

Unanimously approved by all remaining Commissioners present.

Respectfully submitted,

  
Judy Rybka  
Recording Secretary