

**MINUTES OF THE REGULAR SESSION OF THE
JERSEY CITY MUNICIPAL UTILITIES AUTHORITY
HELD OCTOBER 27, 2011**

PRESENT: Chairwoman, Eileen Gaughan
Commissioner, Donald Brown
Commissioner, William Macchi
Commissioner, Lewis Matthias
First Alternate Commissioner, Nicholas Economou

ABSENT: Commissioner, William Chopek

ALSO PRESENT: Daniel Becht, Esquire, Executive Director
Matthew Donohue, CPA, Donohue, Gironda and Doria
Judy Rybka, Recording Secretary
Drake C. Stinson, P.E., LEED, AP, Mayo Lynch and Associates
Joni N. McDonnell, Esquire, Trent, DePasquale et al
Elnardo Webster, II, Esquire, Trent, DePasquale et al
Kevin Carr, Purchasing Agent
Dore Carlo, ISM/Safety Officer
Richard Haytas, P.E., Senior Engineer/Infrastructure Maintenance
Supervisor
Seamus Cunningham, P.E., Mayo, Lynch & Associates
Barbara Gordon, Director of Administration
John Folk, CPA, Director of Finance
Sean T. Kean, Esquire, Campbell, Foley, Delano and Adams
John Hroncich, PE, United Water
Edward DeHope, Esquire, Riker, Danzig et al
Matthew Luciano, Jersey City Resident residing at
240 Grove St, Jersey City, NJ

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 5:05 p.m. and opened with the Pledge of Allegiance.

Mr. Becht advised that a member of the public was present who wished to address the Board.

Mr. Matthew Luciano introduced himself and provided his address. He reported that he has lived at 240 Grove Street for approximately four and a half years. The property is in a flood area and on a few occasions he's had three feet of water in his basement. He asked, "Why aren't you fixing the problem? You have the time, money and people."

Mr. Becht explained the JCMUA understands his concerns and that the issues are being addressed. He advised that he has had regular correspondence with Mr. Luciano. Mr. Becht and Mr. Haytas have attended several meetings with Mr. Luciano and other residents of the area. Mr. Becht noted there is a resolution on tonight's agenda (Resolution 10//11/13) to address the situation. He asked Mr. Haytas to provide background information.

Mr. Haytas explained that approximately 20 years ago the sewer in the York/Grand Street area was capped off, rerouted and is now back pitched. During the 1980's, a fiber optic company capped the sewer and rerouted it to York Street. There are extensive utilities in the area. Meetings have been held with Mayo, Lynch and Associates and a survey will be conducted. The current plan is for a new sewer to be constructed at a higher elevation with a positive pitch and connected into York Street. The survey is scheduled to begin within a week or so and design will follow.

Mr. Luciano explained that he has spent a good deal of time on this problem and added that he has five sump pumps. "We've heard about surveys before that take too long. We deserve a higher standard of living. The water goes in my basement. I have tenants there and they've sued me." He advised that he has spoken with "someone in Washington and we'll come back here." He asked the Board to please make this a priority.

Mr. Haytas replied, "We will aggressively move on it and provide an update in a month."

Mr. Luciano thanked the Board and left the meeting.

A general discussion of the situation followed.

Mr. Haytas noted that basement apartments are not legal.

Chairwoman Gaughan stated, "We need to go one step further with this," and recommended involving City Engineering. "The area is below sea level and residents need to realize there's no place for the water to go." She asked, "Is it feasible to get it fixed in a few weeks?"

Mr. Haytas replied, "It's not possible."

Mr. Becht advised there are no drawings, permits, documents, etc that would show what was done.

Mr. Cunningham explained that a detailed survey must be done to determine the conditions.

Chairwoman Gaughan asked, "How long to complete the survey?"

Mr. Cunningham replied, "A few weeks."

Chairwoman Gaughan asked, "Who owns the fiber optic company?"

Mr. Haytas replied, "We'll find out."

Chairwoman Gaughan suggested the fiber optic company be asked to remove the cables.

Mr. Cunningham continued that there a number of homes with basements apartments and water spills out onto the street. "There's no guarantee flooding will stop."

Mr. Haytas added that flooding may likely be prevented in moderate rain but could continue in extreme storms.

Mr. Webster stated, "If they can't rent the apartments, we'll have to "write a check."

Chairwoman Gaughan asked the cost of remediation and if funds are available to cover the cost.

Mr. Haytas estimated the cost to be approximately \$150,000 to \$200,000. He discussed diverting six catch basins in the area as a possible solution.

Chairwoman Gaughan asked that Mayo, Lynch please make the study a priority.

Mr. Cunningham replied yes and added that diverting catch basins could alleviate some of the problem.

Resolution 10/11/1 authorizing transfer of funds for sewer operations

Motioned to approve by Chairwoman Gaughan

Seconded by Commissioner Brown

Unanimously approved by all remaining Commissioners present.

Resolution 10/11/2 authorizing payments of audited claims for sewer operations

Motioned to approve by Chairwoman Gaughan

Seconded by Commissioner Brown

Unanimously approved by all remaining Commissioners present.

Resolution 10/11/3 authorizing transfer of funds and payments of audited claims for water operations

Motioned to approve by Chairwoman Gaughan

Seconded by Commissioner Brown

Unanimously approved by all remaining Commissioners present.

Resolution 10/11/4 authorizing cash disbursements

Motioned to approve by Chairwoman Gaughan

Seconded by Commissioner Brown

Unanimously approved by all remaining Commissioners present.

Resolution 10/11/5 authorizing payments from the capital improvement, project, construction and note funds

Motioned to approve by Chairwoman Gaughan

Seconded by Commissioner Brown

Unanimously approved by all remaining Commissioners present.

Resolution 10/11/6 authorizing change order number 2 for 18th. Street (RE-19) CSO screening facility, contract number CT-2008-18, New Jersey Environmental

Infrastructure Trust Project number S340928-02

Motioned to approve by Commissioner Brown

Seconded by Commissioner Matthias

Unanimously approved by all remaining Commissioners present.

Resolution 10/11/7 authorizing an amendment to the contract for Special Counsel

Commissioner Brown asked how the contract ceiling was exceeded by approximately \$240,000 without prior notice.

Mr. Becht advised this can be discussed during closed session. (Resolution 10/11/7 was voted on after closed session.)

Motioned to approve by Commissioner Brown

Seconded by Commissioner Matthias

Unanimously approved by all remaining Commissioners present.

Resolution 10/11/8 authorizing change order numbers 15-19 for Jersey City Water Treatment Plant improvements, JCMUA contract number WTPI-2009-25, New Jersey

Environmental Infrastructure Trust Project number 0906001-001-0-0

Motioned to approve by

Motioned to approve by Commissioner Matthias

Seconded by Commissioner Economou

Unanimously approved by all remaining Commissioners present.

Resolution 10/11/9 accepting bid for one (1) 2011 catch basin bucket sewer cleaning truck with high pressure jetting system and associated hardware, contract number CBCJT-2011-19

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

Resolution 10/11/10 accepting bid for one (1) 2011 trailer mounted high pressure water jetting unit and associated equipment, contract number TMJ-2011-20

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

Resolution 10/11/11 authorizing execution of contract approval application and agreement between the Jersey City Municipal Utilities Authority and United Water New Jersey, Inc. for the purchase and sale of bulk water

Commissioner Brown asked if there were any changes from the existing agreement.

Ms. Noble-McDowell explained it's the same as when revised for Hoboken water service. "It's the same form of agreement but the price has changed."

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

Resolution 10/11/12 authorizing amendment number 1 to professional services contract to Mayo, Lynch & Associates, Inc. for consulting engineering services

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

Resolution 10/11/13 awarding contract for professional engineering services to Malcolm Pirnie, Inc. to prepare plans and specifications for the cleaning and CCTV inspection of Grand Street combined sewer system in conjunction with USEPA consent order

Mr. Haytas advised, "This Resolution will be helpful to Mr. Luciano."

Chairwoman Gaughan asked Mr. Haytas to please send a copy of Resolution 10/11/13 to Mr. Luciano.

Commissioner Brown noted the contract is being executed in two "tasks" and asked, "Is it feasible to give it to different firms?"

Mr. Becht explained it should have been RFQ but the MUA has every intention that it will be successful in a two section award. "We'll be satisfied with the final 'decree'." He added, "This can be discussed further in closed session."

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

Resolution 10/11/14 amending Resolution 6/11/12 accounting services for water and sewer operations

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

Entered Closed Session at 5:33 p.m.

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

Closed Session Ended/Regular Session Reopened at 6:28 p.m.

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

Closed Session Report – Per Mr. Webster, personnel and litigation were discussed during closed session.

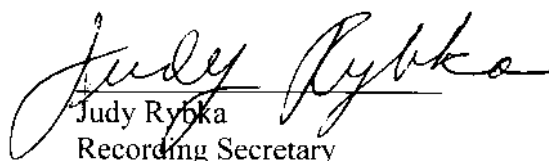
Approval of Minutes

Approval of minutes of the September 22, 2011 Commissioners meeting
Motioned to approve by Chairwoman Gaughan
Seconded by Commissioner Matthias
Unanimously approved by all remaining Commissioners present.

Adjournment

The meeting adjourned at 6:29 p.m.
Motioned by Chairwoman Gaughan
Seconded by Commissioner Matthias
Unanimously approved by all remaining Commissioners present.

Respectfully submitted,


Judy Rybka
Recording Secretary