

**MINUTES OF THE REGULAR SESSION OF THE
JERSEY CITY MUNICIPAL UTILITIES AUTHORITY
HELD NOVEMBER 30, 2011**

PRESENT: Commissioner, William Macchi
Commissioner, Lewis Matthias
First Alternate Commissioner, Nicholaos Economou

ABSENT: Chairwoman, Eileen Gaughan
Commissioner, Donald Brown
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
Elnardo Webster, II, Esquire, Trent, DePasquale et al
Richard Haytas, P.E., Senior Engineer/Infrastructure Maintenance
Supervisor
Seamus Cunningham, P.E., Mayo, Lynch & Associates
John Folk, CPA, Director of Finance
Nader Rezai, 213 York Street, Jersey City, NJ
(City resident and property owner)

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.

In the absence of Chairwoman Gaughan and Vice Chair Brown, Commissioner Macchi convened the meeting at 5:02 p.m. and opened with the Pledge of Allegiance.

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

Motioned to approve by Commissioner Economou

Seconded by Commissioner Matthias

Unanimously approved by all remaining Commissioners present.

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

Motioned to approve by Commissioner Economou

Seconded by Commissioner Matthias

Unanimously approved by all remaining Commissioners present.

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

Motioned to approve by Commissioner Economou

Seconded by Commissioner Matthias

Unanimously approved by all remaining Commissioners present.

Resolution 11/11/4 authorizing cash disbursements

Motioned to approve by Commissioner Economou

Seconded by Commissioner Matthias

Unanimously approved by all remaining Commissioners present.

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

Motioned to approve by Commissioner Economou

Seconded by Commissioner Matthias

Unanimously approved by all remaining Commissioners present.

Resolution 11/11/6 authorizing the signing of project endorsements for flows under 250,000 gallons per day

Motioned to approve by Commissioner Matthias

Seconded by Commissioner Economou

Unanimously approved by all remaining Commissioners present.

Resolution 11/11/7 authorizing and approving an inter-local agreement between the Jersey City Municipal Utilities Authority and the City of Jersey City Office of Emergency Management

Commissioner Matthias noted that an amended Resolution 11/11/7 was distributed at this evening's Commissioners meeting amending the not to exceed amount to \$35,000 (from \$40,000 in original Resolution 11/11/7).

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

Resolution 11/11/8 awarding professional engineering services contract to Hatch Mott MacDonald for design and contract administration of re-routing water treatment plant raw water supply pipe improvements
Motioned to approve by Commissioner Matthias
Seconded by Commissioner Economou
Unanimously approved by all remaining Commissioners present.

Resolution 11/11/9 authorizing change orders 20-23, Jersey City water treatment plant improvements; JCMUA project number WTPI-2009-25; New Jersey Environmental Infrastructure Trust Project number 0906001-001-0-0

(Vote on Resolution 11/11/9 follows discussion/vote below on Resolution 11/11/8.)

Commissioner Macchi asked, "How much money is for the MUA?"

Mr. Folk explained all change orders will be covered. "This is a close out." The financing was approved a few years ago. The interest rate is zero on the first 25% and market rate on the balance, resulting in a combined rate of approximately 1.25%.

Mr. Becht asked to return the meeting to Resolution 11/11/8. Although the Board voted to approve the contract, he explained that further review by Mr. Folk and himself is needed so the Authority can decide whether to move the contract forward or not. "An internal engineering review indicated that it may/may not be worthwhile." He advised that a meeting is scheduled with Hatch Mott MacDonald, Mr. Folk, himself and others to review the proposal. Based on Mr. Folk's recommendation(s), the MUA will decide to move forward or not.

Mr. Webster explained the Board is being asked to give the Executive Director authority to further review the contract before it is awarded.

Commissioner Macchi asked, "If we're not going forward, what then?"

Mr. Becht explained the matter will be brought before the Board of Commissioners again at the next meeting. "There may be some issues. Hatch Mott (MacDonald) has been pre-qualified but we want to review this specific contract."

Mr. Webster explained the "Now, Therefore" paragraph on page two of Resolution 11/11/8 will be amended to allow the Executive Director, Purchasing Agent and others (including legal counsel, if necessary) the opportunity to further review the contract.

Mr. Webster then advised that the original Resolution 11/11/8 will need to be rescinded and asked for a motion and second to rescind.

Motion to rescind original Resolution 11/11/8 by Commissioner Matthias
Seconded by Commissioner Economou
Unanimously approved by all Commissioners present.

Mr. Webster then requested a motion and second to approve Resolution 11/11/8 as amended above.

Motioned to approve amended Resolution 11/11/8 by Commissioner Matthias
Seconded by Commissioner Economou
Unanimously approved by all remaining Commissioners present.

Resolution 11/11/9 authorizing change orders 20-23, Jersey City water treatment plant improvements; JCMUA project number WTPI-2009-25; New Jersey Environmental Infrastructure Trust Project number 0906001-001-0-0
Motioned to approve by Commissioner Matthias
Seconded by Commissioner Economou
Unanimously approved by all remaining Commissioners present.

Resolution 11/11/10 authorizing renewal of JCMUA's participation in New Jersey CSO Group
Motioned to approve by Commissioner Economou
Seconded by Commissioner Matthias
Unanimously approved by all remaining Commissioners.

Resolution 11/11/11 authorizing an amendment number one to contract for additional professional engineering services to Hatch Mott MacDonald for water treatment plant improvements construction administration services

Commissioner Macchi asked if Resolution 11/11/11 has anything to do with Resolution 11/11/8.

Mr. Webster replied, "No. It's a different project."

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

Resolution 11/11/12 authorizing settlement in the matter of Jersey City Municipal Utilities Authority v. Township of Lyndhurst, docket number BER-I-4707-11

Commissioner Macchi asked what the original amount was involved,

Mr. Webster explained Lyndhurst "decided to stop being our customer when they were changed from bulk rate to retail customers. They were not happy with the relationship for many years. This represents a fair settlement."

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

Resolution 11/11/13 authorizing execution of agreement between the JCMUA and the State of New Jersey regarding Route 7 bridge project
Motioned to approve by Commissioner Matthias
Seconded by Commissioner Economou
Unanimously approved by all remaining Commissioners present.

Commissioner Macchi then invited members of the public who might be present to address the Board.

Mr. Nader Rezai introduced himself as the owner/resident of 213 York Street and reported problems he experienced during Hurricane Irene. Specifically, he explained that five feet of sewage water was in his basement. Many other homes in his neighborhood also had basement flooding. He asked the "status" of the sewer system in the area of Grove and Grand Streets and the measures being taken to prevent this from happening again. "This is an ongoing issue and we have concerns. What are the findings so far and what will be done. How can we help?"

Mr. Becht advised the MUA has been in touch with Councilman Fulop. "That was a 500 year storm; we had a full moon and high tide." He noted that the area is below sea level. "We are working on some issues but cannot reverse below sea level." He explained the Authority has been in touch with members of the downtown community and then asked Mr. Haytas to address the matter.

Mr. Haytas again noted that Hurricane Irene produced rains that were "a few inches short of record rainfall in NJ."

Mr. Rezai explained that it is his understanding there are "some inadequacies with the pipes on Grand and Grove Streets."

Mr. Haytas explained the pipe layout/configuration in the area. During heavy rains and high tide, the water cannot be pushed out to river and back up occurs. During Irene, the MUA installed an emergency pump (although in violation of its permit) to prevent further damage. With a ten inch pump on waterfront, one foot of water still covered the waterfront walkway. The amount/duration of rainfall and lack of low tide during Hurricane Irene prevented discharge. Mr. Haytas advised Mr. Rezai that he will perform an inspection of his home and yard once a date/time has been set.

Commissioner Macchi asked Mr. Haytas to put his explanation (above) in writing in the event others come forward about this issue.

Mr. Becht added, "Some corrections are being made in the area of City Hall and we're looking to correct some of these problems."

Commissioner Macchi suggested going to "a higher agency" with the problem and seeking TARP money.

Mr. Becht explained the Authority has attempted this but there is no funding available.

Mr. Haytas added that Grand Street pipes are being cleaned, relined and some replaced. The York Street to river pipe is new.

Mr. Webster advised Mr. Rezai that Mr. Haytas will walk through the pipe layout with him and explain how outfalls work.

Commissioner Macchi asked to be included in that meeting.

Entered Closed Session at 5:32 p.m.

Motioned to approve by Commissioner Matthias

Seconded by Commissioner Economou

Unanimously approved by all remaining Commissioners present.

Closed Session Ended/Regular Session Reopened at 5:38 p.m.

Motioned by Commissioner Matthias

Seconded by Commissioner Economou

Unanimously approved by all remaining Commissioners present.

Closed Session Report

Per Mr. Webster, litigation was discussed during closed session.

Approval of Minutes

Approval of the minutes of the October 27, 2011 Commissioners meeting

Motioned to approve by Commissioner Macchi

Seconded by Commissioner Matthias

Unanimously approved by all remaining Commissioners present.

Adjournment

The meeting adjourned at 5:39 p.m.

Motioned by Commissioner Matthias

Seconded by Commissioner Economou

Unanimously approved by all remaining Commissioners present.

Respectfully submitted,



Judy Rybka
Recording Secretary