

**MINUTES OF THE BOARD OF COMMISSIONERS MEETING
JERSEY CITY MUNICIPAL UTILITIES AUTHORITY
SEPTEMBER 26, 2013**

PRESENT: Chairwoman, Marie Tauro
Commissioner Gerard M. Balmir, Jr.
Commissioner, Debbie Harris
Commissioner, William Macchi
Commissioner, Lewis W. Matthias
First Alternate Commissioner, Nicholaos Economou
Second Alternate Commissioner, Thomas Gibbons

ALSO PRESENT: Daniel Becht, Esquire, Executive Director
John Folk, CPA, Director of Finance
Matthew Donohue, CPA, Donohue, Gironda and Doria
Frank J. Borin, Esquire, DeCotiis, FitzPatrick & Cole, LLP
Judy Rybka, Recording Secretary
Barbara Gordon, Director of Administration
Dore Carlo, Deputy Executive Director
Jerry Conte, Permit/Connection Fees Administrator
Richard Haytas, P.E., Senior Engineer/Infrastructure Maintenance
Supervisor
Krystyna Pawlowska, Administrative Assistant
Kevin Carr, Purchasing Agent
John Hroncich, P.E., United Water
Seamus Cunningham, P.E., Mayo, Lynch & Associates

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

The meeting convened at 5:03 p.m. and opened with the Pledge of Allegiance. Mr. Becht explained the first order of business would be election of an Interim Chair to the Board of Commissioners.

Resolution 9/13/20 appointing Marie Tauro as Interim Chairperson of the Jersey City Municipal Utilities Authority

Commissioner Macchi nominated Commissioner Tauro. The nomination was seconded by Commissioner Gibbons. There were no further nominations. A roll call vote followed:

| | |
|-----------------------|-----|
| Commissioner Gibbons | Yay |
| Commissioner Harris | Yay |
| Commissioner Balmir | Yay |
| Commissioner Economou | Yay |
| Commissioner Macchi | Yay |
| Commissioner Matthias | Yay |
| Commissioner Tauro | Yay |

Commissioner Tauro is elected Chair of the JCMUA Board of Commissioners.

Mr. Borin explained Chairwoman Tauro will be the Interim Chair and will hold the position from now until the next regularly scheduled reorganization meeting (February 2014). He further advised that an ad hoc working group, consisting of two Commissioners working with the Executive Director and General Counsel, will be established to review/amend the JCMUA's by laws and prepare a procurement policy and procedure manual.

Mr. Becht added Mayor Fulop and General Counsel have recommended the Authority's by laws and procurement manual be updated.

Mr. Borin suggested this evening's meeting follow the format currently in use. The sample meeting agenda, distributed prior to this evening's meeting, can be reviewed and considered for use at future meetings.

Me. Becht advised that in the future the Executive Session will be held at the end of the meeting so that any members of the public attending a Commissioners meeting will not have to wait until after Executive Session before addressing the Board.

Commissioner Macchi congratulated Chairwoman Tauro on election to the position of Interim Chair. He explained that he's known Chairwoman Tauro since 1941. "My mother is her Godmother." He recalled stories from past years about Chairwoman Tauro's "intensity and passion for everything she does. She was a big help to the Board in the past and will be a big help to this Board."

Resolution 9/13/1 authorizing transfer of funds for sewer operations

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

Resolution 9/13/2 authorizing payments of audited claims for sewer operations
Motioned to approve by Commissioner Macchi
Seconded by Commissioner Economou
Unanimously approved by all remaining Commissioners present.

Resolution 9/13/3 authorizing transfer of funds and payments of audited claims for water operations
Motioned to approve by Commissioner Macchi
Seconded by Commissioner Economou
Unanimously approved by all remaining Commissioners present.

Resolution 9/13/4 authorizing cash disbursements

Commissioner Gibbons questioned two payments to Commissioners, both in the amount of \$690.74.

Mr. Becht advised these are final payments for health benefits and Commissioners have voluntarily relinquished their rights to health benefits.

Mr. Becht then explained the new system whereby draft Resolutions will be submitted to legal counsel and modifications will be made if necessary. When Resolutions are received by the Board, Commissioners can be assured legal counsel has reviewed and signed off on the Resolutions.

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

Resolution 9/13/5 authorizing payments from the capital improvement, project, construction and note funds
Motioned to approve by Commissioner Macchi
Seconded by Commissioner Economou
Unanimously approved by all remaining Commissioners present.

Resolution 9/13/6 awarding contract for professional engineering services to extend the Sixth Street combined sewer outfall

Commissioner Gibbons asked that future Resolutions contain support/back up information. Resolution 9/13/6 is an example of a Resolution that does not contain all necessary information.

Per Mr. Haytas, he will review and advise.

Mr. Borin added this is a “not to exceed” contract and any increase would have to be approved. He recommended approving the Resolution and Mr. Haytas will provide clarification.

Mr. Becht advised that future Resolutions will contain language stating JCMUA Engineering has reviewed and certified the scope of work and hours.

Motioned to approve by Commissioner Macchi
Seconded by Commissioner Harris
Unanimously approved by all remaining Commissioners present.

Resolution 9/13/7 awarding contract for professional engineering services to Remington, Vernick and Arango for construction administration services and resident engineering observation services for Brown Place, Linden Avenue and Princeton Avenue
Motioned to approve by Commissioner Macchi
Seconded by Commissioner Matthias
Abstention by Commissioner Gibbons
Unanimously approved by all remaining Commissioners present.

Resolution 9/13/8 authorizing a service agreement between the Jersey City Municipal Utilities Authority and the Jersey City Housing Authority as an interlocal agreement in accordance with N.J.A.S.40A:11-5(2)
Motioned to approve by Commissioner Matthias
Seconded by Commissioner Gibbons
Unanimously approved by all remaining Commissioners present.

Resolution 9/13/9 amending an emergency procurement for storm damage to exterior wall of JCMUA Administration Building, Operations Building and East Side Plant

Commissioner Gibbons asked the original contract price.

Mr. Borin explained the original contract price was \$980,542 (per Mr. Carr.) Change order one in the amount of \$281,405 was submitted in August 2013. Resolution 9/13/9 requests approval for change orders two and three. The corrected final combined amount of these two change orders is \$39,745. The total contract amount is \$1,301,690.

Mr. Becht explained the work required (replacement of bricks) is a result of damage caused by Superstorm Sandy. It is hoped that FEMA will pay for these repairs.

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

Resolution 9/13/10 awarding contract for professional engineering services to T & M Associates, Inc. for Phase I and II of the combined sewer capacity and condition assessment rehabilitation

Per Mr. Borin, Resolution 9/13/10 is deleted from the agenda.

Resolution 9/13/11 rejecting and re-advertising bids for providing repair services and parts for wastewater infrastructure motors, pumps, mixers, variable frequency drives and associated equipment; contract number WPMR-2013-29

Mr. Carr explained this contract is for pump repairs. He feels it should be revised as a lump sum or split contract to enhance competition and ensure the best price (one bid only was received).

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

Resolution 9/13/12 authorizing a contract for bond counsel services

Mr. Borin advised he became the JCMUA's General Counsel on September 1, 2013. He thanked the Authority and Board of Commissioners and explained the proposal submitted by his firm also included a section for bond counsel services.

Mr. Folk added there are three projects involving financing with the New Jersey Infrastructure Trust: Brown Place, Sip Avenue and Duncan Avenue sewer improvements. The total cost is approximately \$30 million.

Mr. Becht expressed his confidence in the DeCotiis firm's ability to handle bond services.

Commissioner Macchi asked the amount remaining in the New Jersey Infrastructure Trust.

Mr. Folk replied, "There's no limit. The interest rate is less than 1 percent."

Motioned to approve by Chairwoman Tauro
Seconded by Commissioner Macchi
Unanimously approved by all remaining Commissioners present.

Resolution 9/13/13 approving a developer agreement with the Township of Rockaway in connection with the rehabilitation project at Split Rock Dam

Mr. Borin explained Split Rock Dam is the back up reservoir for Jersey City. The State has mandated certain improvements to the dam, ranking it the highest hazard dam project in New Jersey. JCMUA's previous counsel appeared before the Township of Rockaway

Planning Board for approval of these improvements. A condition of the Planning Board's approval is the execution of a developer agreement and operations/maintenance agreement between the JCMUA and Rockaway Township. These agreements must be in place before contractors can begin work.

Motioned to approve by Commissioner Gibbons
Seconded by Commissioner Macchi
Unanimously approved by all remaining Commissioners present.

Resolution 9/13/14 approving an operation/maintenance agreement with the township of Rockaway in connection with the rehabilitation project at Split Rock Dam

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

Resolution 9/13/15 amending professional engineering services contract to Hatch Mott MacDonald for design and contract administration of re-routing water treatment plant raw water supply pipe improvements; Amendment 2

Commissioner Gibbons commented on proposals in general and asked that when a table, etc. is referenced in a Resolution that it be included, along with all other back up information/documents.

Mr. Becht reiterated that future Resolutions will contain a certification from the Engineer.

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

Resolution 9/13/16 amending professional engineering services contract to Hatch Mott MacDonald and contract administration of the Bergen/Lafayette cleaning and cement lining project; Amendment 1

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

Resolution 9/13/17 authorizing Amendment 2 to engineering services contract with Malcolm Pirnie, Inc. for the preparation of design and construction documents, permits, bidding phase and construction administration for Sixth Street and Third Street combined sewer rehabilitation

Commissioner Macchi asked the cost of CSO nets.

Mr. Haytas explained it depends on the amount of rain fall; the more rain the more often nets need to be changed. Each net costs approximately \$200 and some facilities have eight nets. The Authority has begun constructing the nets in house, resulting in a 50

percent reduction in cost and a better fit. Nets are able to stop one half inch floatables from entering the waterway. When removed, nets weigh from 600 to 1,800 pounds.

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

Resolution 9/13/18 authorizing expenditure for repair of 12 inch water main in 17th Street to be reimbursed by Spectra Energy

Mr. Borin explained that his firm has a conflict with this matter. Commissioner Gibbons stated that his firm is also involved with this Resolution. Both gentlemen excused themselves from the meeting during discussion and vote on Resolution 9/13/18.

Mr. Haytas explained a water main was hit and several sewers were involved. Spectra Energy has paid most expenses to date.

Mr. Carr suggested Spectra Energy pay the contractor directly without going through the MUA, and Mr. Becht deferred to the executive staff to make this decision.

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

(Mr. Borin and Commissioner Gibbons rejoined the meeting.)

Resolution 9/13/19 awarding contract for preliminary engineering services to PSE&G to prepare plans and specifications for the relocation of a 24 inch gas main at Duncan Avenue outfall

Commissioner Gibbons requested the supporting memo referenced but not included in the Resolution documents.

Mr. Haytas will provide a summary of PSE&G concerns about a 24 inch gas main and relocation of line

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

Resolution 9/13/20 appointing Marie Tauro as Interim Chairperson of the Jersey City Municipal Utilities Authority

Resolution 9/13/20 was discussed and unanimously approved earlier in the meeting (Pages 2).

Resolution 9/13/21 establishing an ad hoc working group to update the Jersey City Municipal Utilities Authority's by laws and to prepare a purchasing policies and procedures manual

Mr. Borin explained an ad hoc working group will be established. Chairwoman Tauro and Commissioner Macchi will work with General Counsel and the Executive Director to update the JCMUA's by laws and prepare a procurement policy/procedure manual. Upon review and approval by the Board of Commissioners of the policy/procedure manual and the amended by laws the working group will be dissolved.

Motioned to approve by Commissioner Economou

Seconded by Commissioner Macchi

Unanimously approved by all remaining Commissioners present.

REPORTS

Executive Director - Mr. Becht advised four pumps are being installed at the foot of Essex Street to reduce flooding in the downtown area. Following installation in the chamber, a public event will be scheduled and members of the press will be invited.

Senior Engineer – Mr. Haytas recalled the property owner of 166 Bleeker Street, Ms. Sinclair Lewis, who attended last month's Commissioners meeting regarding problems she experienced with a common sewer over flow. A plumber was sent to the property and after exposing roof lines, found that two inches down there was no pipe. It was determined that the patio damage Ms. Sinclair Lewis had described was caused by the roof leaders. "While we were there, a small length of pipe was replaced as an extra precaution."

CPA/Finance - Mr. Donohue advised work is underway on the 2014 water and sewer budgets. Per Mr. Folk, the budgets will be introduced at the October 2013 Commissioners meeting.

United Water – Mr. Hroncich discussed a public event by the Cal Ripken organization. If not already received, invitations will be sent. The JCMUA and United Water will co-sponsor a BBQ and tournament to be held on Thursday, October 4, 2013 at Pershing Field. Volunteers, trained by the Cal Ripken organization, will meet with local kids and coaches to discuss making the right choices.

Approval of Minutes

Approval of the minutes of the August 22, 2013 Commissioners meeting

Motioned to approved by Commissioner Matthias

Seconded by Commissioner Economou

Abstention by Commissioner Balmir

Abstention by Chairwoman Tauro

Unanimously approved by all remaining Commissioners present.

Adjournment

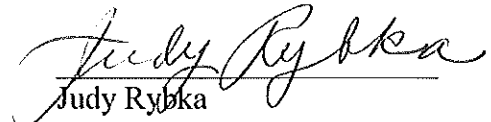
The meeting adjourned at 6:17 p.m.

Motioned by Commissioner Harris

Seconded by Commissioner Matthias

Unanimously approved by all remaining Commissioners present.

Respectfully submitted,



Judy Rybka
Recording Secretary