

**MINUTES OF THE REGULAR SESSION OF THE
JERSEY CITY MUNICIPAL UTILITIES AUTHORITY
AUGUST 22, 2013**

PRESENT: Commissioner, Commissioner William Macchi
Commissioner, Lewis W. Matthias
First Alternate Commissioner, Nicholaos Economou
Second Alternate Commissioner, Thomas Gibbons

ABSENT: Commissioner, Debbie Harris

ALSO PRESENT: Daniel Becht, Esquire, Executive Director
John Folk, CPA, Director of Finance
Judy Rybka, Recording Secretary
Barbara Gordon, Director of Administration
Richard Haytas, P.E., Senior Engineer/Infrastructure Maintenance
Supervisor
Krystyna Pawlowska, Administrative Assistant
Elnardo Webster, II, Esquire, Genova, Burns, Giantomasi
Kevin Carr, Purchasing Agent
John Hroncich, PE, United Water
Joni N. McDonnell, Esquire, Genova, Burns, Giantomasi
Jackie Sinclair Lewis, 166 Bleeker Street, Jersey City, NJ
Rev. Edward Allen, 632 Garfield Avenue, Jersey City, NJ
Riaz Wahid, 179 Van Winkle Avenue, 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.

Executive Director Becht convened the meeting at 5:00 p.m. and opened with the Pledge of Allegiance. He advised that he would chair this evening's meeting since "we do not have a Chair or Vice Chair (Board of Commissioners). A reorganization meeting will be held in September to elect a new Chair and Vice Chair."

Resolution 8/13/1 authorizing transfer of funds for sewer operations

Motioned to approve by Commissioner Matthias

Seconded by Commissioner Economou

Unanimously approved by all remaining Commissioners present.

Resolution 8/13/2 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 8/13/3 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 8/13/4 authorizing cash disbursements

Motioned to approve by Commissioner Matthias

Seconded by Commissioner Economou

Unanimously approved by all remaining Commissioners present.

Resolution 8/13/5 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 8/13/6 amending an emergency procurement for storm damage to exterior wall of JCMUA Administration Building, Operations Building and East Side Plant

Motioned to approve by Commissioner Economou

Seconded by Commissioner Matthias

Unanimously approved by all remaining Commissioners present.

Resolution 8/13/7 authorizing award of an amendment to contract to D.P.C.S.S. for providing digitized auto cad drawing of existing sewer maps as a non-fair and open contract

Ms. McDonnell advised that Resolution 8/13/7 has been revised and the revised Resolution was distributed prior to the meeting.

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

Resolution 8/13/8 amending a sewer emergency condition at Old Bergen Road between Seaview Avenue and Greenville Avenue
Motioned to approve by Commissioner Matthias
Seconded by Commissioner Economou
Unanimously approved by all remaining Commissioners present.

Resolution 8/13/9 approving change order number one for Sixth and Tenth Streets sewer rehabilitation, JCMUA contract STSRP-2012-21; NJEIT project S340928-10 and complying with N.J.A.C.5:30-11.9 for a change order that exceeds 20 percent

Commissioner Macchi asked if the MUA was reimbursed when delays are caused by utilities companies.

Mr. Haytas explained sewers are located in the middle of the street and there are not many obstacles but sometimes we have problems at intersections. There's no reimbursement. We have a good relationship with the utilities."

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

Resolution 8/13/10 authorizing professional engineering services contract with T & M Associates, Inc. for design and construction administration for 54" force main crossing NJ Transit railroad crossing
Motioned to approve by Commissioner Economou
Seconded by Commissioner Matthias
Unanimously approved by all remaining Commissioners present.

Resolution 8/13/11 authorizing a change order for providing emergency and non-emergency plumbing repair services for the Jersey City Municipal Utilities Authority complying with N.J.A.C.5:30-11.9 for a change order that exceeds 20 percent
Motioned to approve by Commissioner Economou
Seconded by Commissioner Matthias
Unanimously approved by all remaining Commissioners present.

Resolution 8/13/12 hiring Hatch Mott MacDonald to prepare engineering design and contract administration due to an emergency for storm damage to Claremont/Carteret tide gate chamber
Motioned to approve by Commissioner Matthias
Seconded by Commissioner Economou
Unanimously approved by all remaining Commissioners present.

Resolution 8/13/13 authorizing payment to New Jersey Fireman's Home in connection with litigation entitled New Jersey Fireman's Home v. Verizon New Jersey, Inc. et al, bearing Docket Number MRS-L-469-10

Commissioner Macchi asked the amount contributed by each of the three defendants.

Ms. McDonnell explained each defendant agreed to a contribution of \$33,333. The JCMUA and the Fireman's Home also agreed to complete certain repairs/restoration. The Authority subsequently determined this work was too costly and not in the MUA's best interest. The MUA offered the Fireman's Home \$100,000 to be released from any further obligation concerning repairs/restoration.

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

Resolution 8/13/14 approving settlement with Texas Eastern Transmission, LP

Commissioner Macchi asked about the settlement amount.

Mr. Becht explained the Board recommended an increase in amount of the settlement and "we got an extra \$50,000."

Ms. McDonnell added, "The appraiser thought this was a reasonable number."

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

Resolution 8/13/15 awarding construction contract to George Harms, Inc. for the repair of storm damaged Claremont/Carteret tide gate chamber

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

Resolution 8/13/16 authorizing contract for General Counsel

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

Resolution 8/13/17 authorizing contract for providing emergency and non-emergency plumbing repair services for the Jersey City Municipal Utilities Authority

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

Resolution 8/13/18 awarding contract for professional engineering services to Hatch Mott MacDonald for Phase 3-4 of the combined sewer capacity and condition assessment rehabilitation

Motioned to approve by Commissioner Matthias

Seconded by Commissioner Economou

Unanimously approved by all remaining Commissioners present.

Resolution 8/13/19 authorizing MMREF expenditure for repair of helicoid screw conveyors and drives of sedimentation basins at the Boonton Water Treatment Plant

Motioned to approve by Commissioner Matthias

Seconded by Commissioner Economou

Unanimously approved by all remaining Commissioners present.

Resolution 8/13/20 authorizing MMREF expenditure for emergency repair of 20 inch water main in Sip Avenue

Commissioner Macchi congratulated those involved in completing the work and asked if charges from the Police Department could be avoided.

Mr. Becht explained contract costs increase between 10 to 15 percent of the contract amount when police are involved. The hours/costs are well documented and reviewed by Mr. Carr and other staff.

Motioned to approve by Commissioner Matthias

Seconded by Commissioner Economou

Unanimously approved by all remaining Commissioners present.

Resolution 8/13/21 authorizing change order numbers one and two for Boonton Gravity Supply Project; JCMUA contract number BGSP-2012-33-W; New Jersey Environmental Infrastructure Trust Project number 0906001-008

Motioned to approve by Commissioner Economou

Seconded by Commissioner Matthias

Unanimously approved by all remaining Commissioners present.

Mr. Becht then opened the floor to the public.

Ms. Sinclair Lewis introduced herself and advised that she is the resident and homeowner of property at 166 Bleeker Street, Jersey City. She described a problem she has been experiencing involving a common sewer overflow. "My sewer is not connected. The overflow has been going on for a while and has compromised my property." Ms. Sinclair Lewis explained that there is erosion and broken concrete in the area of the trap. She believes the erosion/break have compromised her property over a period of time. Ms. Sinclair Lewis asked the Authority what it planned to do to restore her property and added that work was done today on "a small area." She requested that her yard be

restored to its “original condition” or that the sewer be removed. (Photos and a certified engineer’s report were distributed by Ms. Sinclair Lewis. The pipe was also displayed.)

Mr. Haytas advised a dye test was completed. “There was a back up in the common sewer and debris was removed.”

Mr. Becht continued to explain that the sewer was cleaned out and televised and there appears to be no problems with the common sewer. “We were there today and the vertical stack is intact.” He advised Ms. Sinclair Lewis that the Authority would be unable to provide her with a definitive answer tonight. He explained that crew and Mr. Haytas have been to the area many times and Mr. Becht has also been involved in numerous conversations concerning the situation. “There seems to be a discrepancy as to whether the patio damage was caused by the sewer. We’ll leave it up to the professionals.”

Ms. Sinclair Lewis referred to the photos she distributed and explained her belief that the catch basin and the common sewer are the problem. “It’s the responsibility of the MUA to remove it if I want it out. I don’t want to have this fight down the road.”

Mr. Haytas advised the Board that over 300 common sewers are located throughout the City.

Ms. Sinclair Lewis stated, “I don’t want to be the host for this.”

Mr. Haytas explained that he does not feel all the damage is the result of past year and added that roof leaders on the property might possibly contribute to the problem.

Ms. Sinclair Lewis reported that she was unable to use her yard through the summer. She restated her position that erosion around the sewer has compromised her property and added, “I want it fixed soon.”

Mr. Becht explained the Board has a number of issues for discussion during this evening’s Executive Session and will discuss this matter as well. “We’ll get back to you within the next few weeks”.

Ms. Sinclair Lewis requested a copy of the report on the common sewer overflow.

Mr. Haytas explained this will appear in the next report.

Ms. Sinclair Lewis thanked the Board and the MUA.

Commissioner Macchi asked, “How long do you live there.”

Ms. Sinclair Lewis replied, “14 years and this never happened before.”

Mr. Riaz Wahid introduced himself and advised that he lives at 179 Van Winkle Avenue. He discussed the proposed rate increase published in the newspaper and explained that since 2006, his water bill has increased 29% and sewer 80%. He asked what the increases are based on and further asked the Authority to consider the concerns of rate payers and the difficulty some residents, especially senior citizens, have with increased rates. "Thank you."

Mr. Becht advised that water and sewer revenues are put back into the system which needs constant upgrades. The Authority must comply with the EPA Consent Decree, the Clean Water Act and certain Federal mandates. Sewer and water rates take all this into account.

Entered Closed Session at 5:30 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 5:50 p.m.

Motioned to approve by Commissioner Economou

Seconded by Commissioner Matthias

Unanimously approved by all remaining Commissioners present.

Closed Session Report – Per Mr. Webster, potential litigation was discussed during closed session.

Approval of Minutes

Approval of minutes of the July 25, 2013 Commissioners meeting

Motioned to approve by Commissioner Matthias

Seconded by Commissioner Economou

Abstention by Commissioner Gibbons

Unanimously approved by all remaining Commissioners present.

Adjournment

The meeting adjourned at 5:52 p.m.

Motioned to approve by Commissioner Matthias

Seconded by Commissioner Macchi

Unanimously approved by all remaining Commissioners present.

Respectfully submitted,


Judy Rybka
Recording Secretary