

**JERSEY CITY MUNICIPAL UTILITIES AUTHORITY  
MINUTES OF THE BOARD OF COMMISSIONERS MEETING  
MARCH 18, 2015**

**CALL TO ORDER – 5:00 PM**

In compliance with the Sunshine Laws, Chairman Balmir 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.

**ROLL CALL OF MEMBERS PRESENT:**

Chairman, Gerard M. Balmir  
Commissioner, William A. Macchi  
Commissioner, Lewis W. Matthias  
Commissioner, Marie Tauro  
Commissioner John H. Thieroff  
Second Alternate Commissioner, Thomas M. Gibbons

**MEMBERS ABSENT:**

First Alternate Commissioner, Nicholas I. Economou

**ALSO PRESENT:**

Daniel Becht, Esquire, Executive Director  
Judy Rybka, Recording Secretary  
Frank J. Borin, Esquire, DeCotiis, FitzPatrick & Cole, LLP  
Richard Haytas, PE, Senior Engineer/Infrastructure Maintenance Supervisor  
Barbara Gordon, Director of Administration  
Kevin Carr, Purchasing Agent  
John Folk, CPA, Director of Finance  
Michael McClelland, PE, PP, CME, CME Associates

**FLAG SALUTE**

**PUBLIC COMMENT** – No public comment

**APPROVAL OF MINUTES**

Approval of minutes of the February 25, 2015 Commissioners meeting/annual reorganization meeting

Motioned to approve by Commissioner Matthias  
Seconded by Commissioner Thieroff

Roll call vote: Commissioner Thieroff     Aye  
                         Commissioner Macchi     Aye  
                         Commissioner Tauro     Aye  
                         Commissioner Matthias     Aye  
                         Chairman Balmir     Aye

**CONSENT AGENDA**

**Resolution 2/15/1** authorizing transfer of funds for sewer operations

**Resolution 2/15/3** authorizing transfer of funds and payments of audited claims for water operations

**Resolution 2/15/5** authorizing payments from the capital improvement, project and note funds

**Resolution 2/15/6** authorizing the declaration of an emergency condition at 340 Eighth Street and awarding contract to William J. Guarini Plumbing, Inc. for abandonment of common sewer

**Resolution 2/15/7** authorizing change order number one for the Duncan Avenue outfall replacement and water main relocation project – JCMUA contract number DAS-2013-11A

**Resolution 3/15/10** authorizing application for a loan from the New Jersey Environmental Infrastructure Trust Program; loan number S340928-22, for financing of the Jersey City Green Infrastructure Project

**Resolution 3/15/11** authorizing the qualification of firms for professional engineering services contract

**Resolution 3/15/12** authorizing change order number one for MMREF expenditure for replacement of water main in Fourth Street between Washington Boulevard and New Jersey Transit tracks

**Resolution 3/15/13** authorizing an amendment to paragraph seven of the developer agreement with the Township of Rockaway in connection with the rehabilitation project at Split Rock Dam

Motioned to approve by Commissioner Thieroff  
Seconded by Commissioner Matthias  
Roll call vote: Commissioner Thieroff Aye  
Commissioner Macchi Aye  
Commissioner Tauro Aye  
Commissioner Matthias Aye  
Chairman Balmir Aye

**DEFERRED AGENDA**

**Resolution 3/15/2** authorizing payments of audited claims for sewer operations

Commissioner Thieroff questioned payment in the amount of approximately \$27,000 for workers compensation and asked for clarification concerning the service fee.

Mr. Carr explained the service fee is paid quarterly in lieu of a commission.

Motioned to approve by Commissioner Thieroff  
Seconded by Commissioner Matthias  
Roll call vote: Commissioner Thieroff Aye  
Commissioner Macchi Aye  
Commissioner Tauro Aye  
Commissioner Matthias Aye  
Chairman Balmir Aye

**Resolution 3/15/4** authorizing cash disbursements

Commissioner Gibbons questioned the need for Resolution 3/15/4 since no cash was disbursed.

Mr. Folk explained the Resolution was included on the agenda because it is a standard Resolution appearing on the agenda every month and it will provide a record for the period of time involved. He noted this is the first time in approximately ten years that no cash has been disbursed and noted this is probably due to the shorter length of time between the February and March 2015 meetings.

Motioned to approve by Commissioner Matthias  
Seconded by Commissioner Thieroff  
Roll call vote: Commissioner Thieroff Aye  
Commissioner Macchi Aye  
Commissioner Tauro Aye  
Commissioner Matthias Aye  
Chairman Balmir Aye

**Resolution 3/15/8** authorizing the payment of Green Realty LLC for repair of shared sewer line

Commissioner Gibbons requested additional information as to how it was determined the MUA will pay 50 percent.

Mr. Haytas explained the MUA was contacted by Green Realty, the developer of a 200 unit apartment on Laidlaw Avenue, that sewage was discovered on the property during excavation work. The Authority performed die tests and confirmed a common sewer existed through his property. Prior to this, the MUA was not aware of this situation. As in the past when this occurred, the developer and the MUA both obtained quotes to relocate the common sewer and if quotes are reasonable, the MUA agrees to pay half the cost.

Motioned to approve by Commissioner Matthias  
Seconded by Commissioner Thieroff  
Roll call vote: Commissioner Thieroff Aye  
Commissioner Macchi Aye  
Commissioner Tauro Aye  
Commissioner Matthias Aye  
Chairman Balmir Aye

**Resolution 3/15/9** authorizing change order number two for the Duncan Avenue outfall replacement and water main relocation project – JCMUA contract number DAS-2013-11A

Commissioner Gibbons suggested there might be some confusion with the amounts in Resolution 3/15/7 and Resolution 3/15/9.

Mr. Carr explained that change order number two (Resolution 3/15/9) is a credit.

Motioned to approve by Commissioner Thieroff  
Seconded by Commissioner Matthias  
Roll call vote: Commissioner Thieroff Aye  
Commissioner Macchi Aye  
Commissioner Tauro Aye  
Commissioner Matthias Aye  
Chairman Balmir Aye

**Resolution 3/15/14** establishing a meeting schedule for the period April 2015 through the Authority's reorganization meeting in February 2016

Commissioner Tauro referred to document she distributed at this evenings meeting dated Wednesday, March 18, 2015 (attached to/part of these minutes) outlining her reasons for objecting to changing the meeting dates for the monthly Commissioners meeting. The Mayor's office also received a copy of the document. Commissioner Tauro cited possible conflicts with City Council meetings and noted the JCMUA Commissioners meeting has been held on the fourth Thursday of each month for approximately 30 years.

Mr. Becht advised the proposed Resolution was emailed to all Commissioners with an email address. Resolution 3/15/14 proposes the Commissioners meeting be held on the fourth

Wednesday of each month rather than fourth Thursday with the exception of the November 2015 meeting. The proposed date for that meeting is Tuesday, November 24, 2015. He recalled the proposed schedule was discussed at the last meeting. The Mayor's office receives a copy of the JCMUA Commissioners meeting agenda. It was discussed with City Council and there were no objections from the Mayor's office.

Motioned to approve by Commissioner Thieroff  
Seconded by Commissioner Matthias  
Roll call vote: Commissioner Thieroff     Aye  
                  Commissioner Macchi        Nay  
                  Commissioner Tauro        Nay  
                  Commissioner Matthias     Aye  
                  Chairman Balmir            Aye

**COMMUNICATIONS** – No

**EXECUTIVE DIRECTOR'S REPORT** – Per Mr. Becht, “nothing new since the last meeting. The MUA is in full compliance with DEP and EPA regulations.”

**COMMITTEE REPORTS**

**Operations Committee** – Commissioner Thieroff reported the Operations Committee met on Monday, March 16, 2015 and reviewed tonight's agenda. Information will be presented at the next month's meeting concerning repair of a drain pipe at the Boonton Dam (per a 2014 Resolution) that was not satisfactory. “We will work with those responsible.”

**COUNSEL REPORT** – Per Mr. Borin, “nothing further to report.”

**ITEMS OF UNFINISHED BUSINESS** – No

**ITEMS OF NEW BUSINESS** - Commissioner Tauro asked about the status of the proposed union employee contract.

Mr. Becht advised the MUA is currently in negotiations with the union. A Memo of Agreement must be ratified by Board of Commissioners and the Authority is keeping the Mayor's office and City Council informed. The proposed contract is for one year (previous contract was two years) because the MUA is currently under review by the State Comptroller's Office which may make recommendations that could affect the union contract. The union wants a longer term contract but Administration's position is to keep to a one year term. A 2 percent retroactive increase is being considered for non union employees and will not go into effect until the union contract is in place. “The Mayor's office and Business Administrator feel it is reasonable. We want both contracts to be the same. We're all part of same City and trying to send out the same message. I have a wonderful relationship with the union and it's a generous contract. The only problem is the term. The union wants three years and we want one.”

Commissioner Macchi briefly discussed past practices for autonomous agency contracts.

Mr. Borin reiterated the MUA is under review by the State Comptroller's Office and it may make recommendations which may be related to collective bargaining agreements. If recommendations are made, the Authority does not want to be tied into a long term contract and consequently unable to implement those recommendations quickly.

Commissioner Tauro questioned the practice of buying back sick and vacation time.

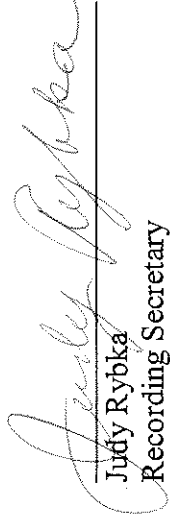
Mr. Becht explained the MUA does have a policy in place permitting employees to buy back sick/vacation time. However, that practice is on hold until receipt of a final determination by the State Comptroller's Office in the event the Authority may need to amend its policy/procedure manual.

**EXECUTIVE SESSION** – No

**ADJOURNMENT**

The meeting adjourned at 5:32 p.m.  
Motioned to approve by Commissioner Thieroff  
Seconded by Commissioner Matthias  
Unanimously approved by all Commissioners present.

Respectfully submitted,

  
Judy Rybka  
Recording Secretary