



HMUA MINUTES

ANNUAL  
MEETING OF

FEBRUARY 9, 2010

ADMINISTRATION BUILDING  
424 Hurley Drive  
Hackettstown, NJ



ANNUAL MEETING FEBRUARY 9, 2010

JACOB GARABED ADMINISTRATION BUILDING

The meeting was called to order by Chairperson Brown at 8:03 P.M.

Counselor John Zaiter acknowledged receipt of the Resolution adopted by the Town of Hackettstown appointing William Harper to the Authority for a term expiring February 1, 2015. Mr. Harper completed and executed the Oath of Office.

Roll call indicated the following members in attendance: Brown, John DiMaio, Kelly, Jerry DiMaio and Harper.

Also attending: Counselor Zaiter, Engineer David Klemm and Recording Secretary Palma.

Chairperson Brown announced that adequate notice of this meeting has been given to the area press and the Town of Hackettstown, and shall be convened and conducted in accord with the requirements of the Open Public Meetings Act.

Chairperson Brown led a salute of the United States Flag.

Chairperson Brown indicated that approval of the January 12<sup>th</sup> Regular Meeting to be the next agenda item. A motion to approve the minutes was made by Kelly, being seconded by Jerry DiMaio with Brown, Kelly and Jerry DiMaio voting yea and John DiMaio and Harper abstaining.

Chairperson Brown indicated that the election of officers for the ensuing year would be the next order of business and appointed Counselor Zaiter as Acting Chairperson to conduct the election.

Upon hearing the request for nominations for the office of Chairperson for the Board year 2010/2011, Kelly nominated Brown. John DiMaio seconded the nomination. No further nominations were received. John DiMaio moved that nominations be closed. Kelly seconded the motion, with John DiMaio, Kelly, Jerry DiMaio and Harper voting yea and Brown abstaining. There being only one nomination, Brown was elected as Chairperson.

The newly elected Chairperson Brown then declared nominations for the office of Vice Chairperson to be in order. John DiMaio nominated Kelly. Harper seconded the nomination. No further nominations were received. John DiMaio moved that nominations be closed. Jerry DiMaio seconded the motion, with Brown, John DiMaio Jerry DiMaio and Harper voting yea and Kelly abstaining. There being only one nomination, Kelly was elected as Vice Chairperson.

Chairperson Brown then indicated that appointments of Authority professionals be the next several agenda items.

Chairperson Brown indicated that the fee structure remained the same as last year for all professional services.

After a brief discussion, the following Resolution #10- 2695 was proposed by Kelly who moved its adoption.

WHEREAS, the Town of Hackettstown Municipal Utilities Authority has a need to retain professional services of an Auditor as a non-fair and open contract pursuant to the provision of N.J.S.A. 19:44A-20.5; and



WHEREAS, pursuant to N.J.S.A. 40:A-11-5, professional services for the Authority may be retained without public bidding; therefore,

BE IT RESOLVED, by the Board Members of the Town of Hackettstown Municipal Utilities Authority as follows:

- 1- That the appointment of VM Associates, Inc. as the Authority's Auditor and retaining them to perform audits for Fiscal Year 2010 in accordance with their February 5, 2010 proposal is herewith authorized without public bidding.
- 2- The term of said appointment shall be to February 8, 2011, or until their successor has been appointed and qualified.
- 3- That the Executive Director of the Authority is hereby authorized and directed to publish this Resolution in the Star-Gazette pursuant to N.J.S.A. 40:11-2.

This Resolution was seconded by John DiMaio and upon roll call vote carried: Ayes: Brown, Kelly, John DiMaio, Jerry DiMaio and Harper voting yea.

The next agenda item was the discussion and possible action to appoint the Authority's Counselor.

The following Resolution #10-2696 was proposed by John DiMaio who moved its adoption:

WHEREAS, the Town of Hackettstown Municipal Utilities Authority has a need to retain professional services of a Counselor as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, pursuant to N.J.S.A. 40:A-11-5, professional services for the Authority may be retained without public bidding; therefore

BE IT RESOLVED, by the Board Members of the Town of Hackettstown Municipal Utilities Authority as follows:

- 1- That the appointment of the firm Broschious, Fischer & Zaiter as the Authority's Counselors and retaining them to render legal service to the Authority in accordance with their proposal dated January 28, 2010 is herewith authorized without public bidding.
- 2- The term of said appointment shall be to February 8, 2011, or until their successor has been appointed and qualified.
- 3- That the Executive Director of the Authority is hereby authorized and directed to publish this Resolution in the Star-Gazette pursuant to N.J.S.A. 40:11-2.

This Resolution was seconded by Jerry DiMaio and upon roll call vote carried: Ayes: Brown, Kelly, John DiMaio, Jerry DiMaio and Harper.

The next item was the discussion and possible action to appoint Authority Consulting Engineer as noted by Chairperson Brown.

The following Resolution #10-2697 was proposed by Kelly who moved its adoption:

WHEREAS, the Town of Hackettstown Municipal Utilities Authority has a need to retain professional services of a Consulting Engineer as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,



WHEREAS, pursuant to N.J.S.A. 40:A-11-5, professional services for the Authority may be retained without public bidding; therefore,

BE IT RESOLVED, by the Board Members of the Town of Hackettstown Municipal Utilities Authority as follows:

- 1- That the appointment of Hatch Mott MacDonald as the Authority's Consulting Engineer and retaining them to render engineering service to the Authority in accordance with their proposal dated February 4, 2010 is herewith authorized without public bidding.
- 2- The term of said appointment shall be to February 8, 2011, or until their successor has been appointed and qualified.
- 3- That the Executive Director of the Authority is hereby authorized and directed to publish this Resolution in the Star-Gazette pursuant to N.J.S.A. 40:11-2.

This Resolution was seconded by John DiMaio and upon roll call vote carried: Ayes: Brown, Kelly, John DiMaio, Jerry DiMaio and Harper voting yea.

Chairperson Brown stated the next agenda item was discussion and possible action to appoint the Authority Executive Director, Secretary and Treasurer.

The following Resolution #10-2698 was proposed by Kelly who moved its adoption:

WHEREAS, N.J.S.A. 40:14b-18 provides that the positions of Executive Director, Secretary and Treasurer of a Municipal Utilities Authority are appointed positions; and,

WHEREAS, the members of the Authority are desirous of reappointing Bruce D. Smith to fill the positions of Executive Director, Secretary and Treasurer; therefore,

BE IT RESOLVED, that Bruce D. Smith is hereby appointed Executive Director, Secretary and Treasurer of the Town of Hackettstown Municipal Utilities Authority; and,

BE IT FURTHER RESOLVED, that the term of said appointment shall be to February 8, 2011 or until his successor has been appointed and qualified.

This Resolution was seconded by Jerry DiMaio and upon roll call vote carried: Ayes: Brown, Kelly, John DiMaio, Jerry DiMaio and Harper.

Chairperson Brown opened the meeting to public participation and noted there were no members of the public present.

Chairperson Brown stated that Resolutions pertaining to financial transactions to be the next order of business.

The following Resolution #10-2699 was proposed by Kelly who moved its adoption:

Resolution #10-2699A

BE IT RESOLVED, that the following Operations Expense Requisitions be formally approved:

Dated:	January 01, 2010	OEA-914	SL-03	\$130,340.99
Dated:	January 15, 2010	OEA-915	SL-04	115,483.53
Dated:	January 29,2010	OEA-916	SL-05	<u>79,502.72</u>
			Total	\$325,327.24

Resolution #10-2699B



BE IT RESOLVED, that the following Construction Aid Fund Requisition #CAF-327 be formally approved:

REQUISITION #CAF-327

AECOM	Engineering Services	\$ 15,135.95
Hatch Mott MacDonald	Engineering Services	<u>1,229.22</u>
	Total	\$ 16,365.17

Resolution #10-2699C

BE IT RESOLVED, that the following Renewal and Replacement Fund Requisition #RR-146 be formally approved:

REQUISITION #RR-146

Lee Company	Hydrant	\$ 2,161.16
Hatch Mott MacDonald	Engineering Services	2,469.10
O'Brien & Gere Eng., Inc.	Engineering Services	<u>13,650.00</u>
	Total	\$ 18,280.26

Resolution #10-2699D

BE IT RESOLVED, that the following Escrow Sub-account Requisition #ESR-197 be formally approved:

REQUISITION #ESR-197

Vincent Iannelli	FOVIAR - Refund	\$ 210.00
US Home Corporation	GREENBRIAR - Refund	<u>14,386.42</u>
	Total	\$ 14,596.42

The Resolution was seconded by Harper and upon roll call vote carried: Ayes: Brown, Kelly, John DiMaio, Jerry DiMaio and Harper voting yea.

Chairperson Brown stated the next agenda item was discussion of the proposed "Annual Meeting Schedule" for the next year.

After a brief discussion, the following Resolution #10-2700 was proposed by Jerry DiMaio who moved its adoption:

BE IT RESOLVED: by the Board Members of the Town of Hackettstown Municipal Utilities Authority as follows:

The following schedule for the regular meetings of the Authority for the period commencing March 23, 2010 and concluding February 8, 2011 is hereby adopted:

- March 23, 2010
- April 13, 2010
- May 11, 2010
- June 8, 2010
- July 13, 2010
- August 10, 2010



September 14, 2010

October 13, 2010 (Wednesday)

November 9, 2010

December 14, 2010

January 11, 2011

February 8, 2011

1. All regular meetings will be held at the Jacob Garabed Administration Building at 424 Hurley Drive at 8:00 PM.
2. A copy of the meeting schedule shall be prominently posted in the HMUA Administration Building lobby and also be published in the Star-Gazette.

This Resolution was seconded by Kelly and upon roll call vote carried: Ayes: Brown, Kelly, John DiMaio, Jerry DiMaio and Harper voting yea.

The next agenda item as noted by Chairperson Brown was the discussion and possible action to designate the official newspaper for the Authority.

The following Resolution #10-2701 was proposed by John DiMaio who moved its adoption:

WHEREAS, the Authority desires to designate official newspapers in which to publish all official public notices.

NOW, THEREFORE, BE IT RESOLVED, the Town of Hackettstown Municipal Utilities Authority that the Star-Gazette, Daily Record and Express Times are the official newspapers of the Authority.

The Resolution was seconded by Jerry DiMaio and upon roll call vote carried: Ayes: Brown, Kelly, John DiMaio, Jerry DiMaio and Harper voting yea.

Chairperson Brown stated the next agenda item was discussion and possible action to readopt the Cash Management Plan.

The following Resolution #10-2702 was proposed by John DiMaio who moved its adoption:

WHEREAS, it is in the best interests of the Hackettstown Municipal Utilities Authority to earn additional revenue through the investment and prudent management of its cash receipts; and

WHEREAS, N.J.S.A. 40A:5-14 requires each local government unit to readopt the Cash Management Plan; therefore

BE IT RESOLVED, the Board Members of the Town of Hackettstown Municipal Utilities Authority hereby readopt the Cash Management Plan as presented.

This Resolution was seconded by Kelly and upon roll call vote carried: Ayes: Brown, Kelly, John DiMaio, Jerry DiMaio and Harper voting yea.

Chairperson Brown stated the next agenda item was discussion and possible action to designate depositories for Authority Revenue Funds.

After a brief discussion, the following Resolution #10-2702 was proposed by Kelly who moved its adoption:



WHEREAS, the Authority desires to designate a financial institution as the depository for Authority revenues; and

WHEREAS, said revenues are to be transferred from the depository to the Trustee, currently U.S. Bank for deposit into the Revenue Fund and subsequent distribution and investment in other Funds as designated by HMUA's Bond Resolution.

NOW THEREFORE, BE IT RESOLVED, that the Town of Hackettstown Municipal Utilities Authority does herein formally authorize and direct the Authority revenues be deposited into an interest bearing account in the First Hope Bank, said bank being designated as the official depository of Authority revenues and further authorizes the Chairperson or Executive Director to direct the Trustee to make investments in securities as previously approved by the Authority or to authorize transfers to other Authority accounts.

This Resolution was seconded by Jerry DiMaio and upon roll call vote carried: Ayes: Brown, Kelly, John DiMaio, Jerry DiMaio and Harper voting yea.

Chairperson Brown stated the next agenda item was discussion and possible action to designate depositories of the Authority's Construction Aid Fund.

The following Resolution #10-2703 was proposed by Kelly who moved its adoptions:

WHEREAS, there exists a continuing need for the Town of Hackettstown Municipal Utilities Authority to reinvest funds which have been deposited in financial institutions; and

WHEREAS, the Authority desires to designate a financial institution as the depository for the Construction Aid Fund and to designate additional financial institutions for investment of funds so that the Authority can obtain the most favorable investment rates.

NOW THEREFORE, BE IT RESOLVED, by the Town of Hackettstown Municipal Utilities Authority that:

1. The Authority does herein formally designate the First Hope Bank as the official depository for the Construction Aid Fund.
2. The Authority also formally designates, Ameriprise Financial, Bank of America, Chase Bank, Edward Jones, First Hope Bank, Hudson City Savings Bank, Skylands Community Bank, State of New Jersey Cash Management Fund, PNC Bank, Raymond James Financial Services, TD Bank, U.S. Bank, Valley National Bank, Wachovia, Washington Mutual and Wells Fargo Bank as financial institutions which the Chairperson or Executive Director are authorized to make deposits and transfer funds for investment in the Securities as previously approved by the Authority.

This Resolution was seconded by Jerry DiMaio and upon roll call vote carried: Ayes: Brown, Kelly, John DiMaio, Jerry DiMaio and Harper.

Chairperson Brown stated the next agenda item was discussion to authorize the Purchasing Agent and Assistant Purchasing Agent to implement the requirements of the HMUA purchasing manual.

The following Resolution #10-2704 was proposed by Jerry DiMaio who moved its adoption:



WHEREAS, it is necessary to authorize the Purchasing Agent and Assistant Purchasing Agent to implement the requirements of the HMUA Purchasing Manual:

WHEREAS, the Authority is desirous of designating Bruce D. Smith as Purchasing Agent and Deborah A. Palma as Assistant Purchasing Agent;

BE IT RESOLVED, by the Town of Hackettstown Municipal Utilities Authority that Bruce D. Smith is designated as HMUA's Purchasing Agent and Deborah A. Palma is designated as HMUA's Assistant Purchasing Agent.

This Resolution was seconded by Kelly and upon roll call vote carried: Ayes: Brown, Kelly, John DiMaio, Jerry DiMaio and Harper voting yea.

Chairperson Brown noted the next agenda item was discussion and possible action to designate the Public Agency Compliance Officer.

After a brief discussion, the following Resolution #10-2705 was proposed by Kelly who moved its adoption:

WHEREAS, in accordance with N.J.A.C. 17:27-3.5, each public agency shall designate an individual to serve as its Public Agency Compliance Officer.

WHEREAS, the members of the Authority are desirous of designating Bruce D. Smith to serve as its Public Agency Compliance Officer; therefore,

BE IT RESOLVED, by the Town of Hackettstown Municipal Utilities Authority that Bruce D. Smith is designated as HMUA's Public Compliance Officer.

This Resolution was seconded by John DiMaio and upon roll call vote carried: Ayes: Brown, Kelly, John DiMaio, Jerry DiMaio and Harper voting yea.

Chairperson Brown stated the next agenda item is discussion and possible action to retain a firm to perform laboratory services for the coming year.

The following Resolution #10-2706 was proposed by John DiMaio who moved its adoption:

WHEREAS, due to the need to obtain accurate laboratory data for submission to regulatory authorities and the implications of the Clean Water Enforcement Act and the mandatory fines involved, the Town of Hackettstown Municipal Utilities Authority has a need to retain professional Certified laboratory services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, pursuant to N.J.S.A. 40A-11-5, professional services for the Authority may be retained without public bidding; therefore,

BE IT RESOLVED, by the Board Members of the Town of Hackettstown Municipal Utilities Authority as follows:

1. That retaining the firm of QC Inc. to perform Certified Laboratory analysis for the Authority in accordance with their proposal dated February 1, 2010 is herewith authorized without public bidding.
2. The term of said appointment shall be to February 8, 2011, or until their successor has been appointed and qualified.





3. That the Executive Director of the Authority is hereby authorized and directed to publish this Resolution in the Star-Gazette pursuant to N.J.S.A. 40:11-2.

The Resolution was seconded by Kelly and upon roll call vote carried: Ayes: Brown, Kelly, John DiMaio, Jerry DiMaio and Harper voting yea.

Chairperson Brown stated the next agenda item was discussion and possible action to award Contract 36S for procurement of anaerobic digester gas mixing/heating equipment.

After a brief discussion, the following Resolution #10-2707 was proposed by Jerry DiMaio who moved its adoption:

WHEREAS, subsequent to the proper advertisement, two (2) sealed proposals for the Procurement of the Anaerobic Digester Gas Mixing/Heating Equipment were received and read aloud at a public bid opening on January 6, 2010 at 2:00PM at the HMUA Jacob Garabed Administrative Building; and,

WHEREAS, it has been determined that the lowest responsible bid was received from JDV Equipment Corporation of Dover, New Jersey in the amount of \$209,800; therefore,

BE IT RESOLVED, Contract 36S for Anaerobic Digester Gas Mixing/Heating Equipment Procurement be awarded to JDV Equipment Corporation of Dover, NJ and the Executive Director is hereby authorized to execute the necessary documents.

This Resolution was seconded by Kelly and upon roll call vote carried: Ayes: Brown, Kelly, John DiMaio, Jerry DiMaio and Harper voting yea.

Chairperson Brown indicated the next agenda item was the discussion and possible action to appoint a firm to conduct bench-scale and demonstration testing of chemically enhanced primary treatment.

All Board Members were in agreement to postpone this agenda item until the return of the Executive Director.

Chairperson Brown stated the next agenda item was discussion regarding the breaching of the Lower Mine Hill Reservoir Dam.

Since Executive Director Smith was not present, Chairperson Brown suggested that the Board postpone this until the next meeting. He also stated that the Hackettstown Historical Society was scheduled to have a meeting tomorrow evening, which he and Executive Director Smith were going to attend to discuss the Reservoir properties, but the meeting has been cancelled due to the weather.

Chairperson Brown noted that since the Executive Director was not present they would move to the Counselor's report.

Counselor Zaiter stated he had nothing further to report at this time.


Chairperson Brown then requested the Projects Engineer to proceed with the Engineer's report. Projects Engineer Klemm discussed the report, which was submitted to the Board prior to the meeting (attached).

Chairperson Brown requested whether anyone had business of a general nature to discuss.



There being no additional comments or discussion, Chairperson Brown declared a motion to adjourn would be in order and was so moved by John DiMaio, seconded by Jerry DiMaio and followed by a unanimous voice vote.

Time – 9:26 P.M.

  
Harry Brown  
Chairperson